FEDERAL REGISTER

VOLUME 17 NUMBER 231

Washington, Wednesday, November 26, 1952

TITLE 3—THE PRESIDENT

PROCLAMATION 2998

ENLARGING THE HOVENWEEP NATIONAL MONUMENT, COLORADO AND UTAH

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS Proclamation No. 1654 of March 2, 1923, established the Hovenweep National Monument on certain public lands in southwestern Colorado and southeastern Utah for the purpose of preserving four groups of ruins, including structures of the finest prehistoric masonry found in the United States, and Proclamation No. 2924 of April 26, 1951, added to the monument certain other public lands in southwestern Colorado containing other significant ruins; and

WHEREAS other public lands, contiguous to a portion of the lands now comprising the said monument, have been found to contain very important archeological sites, including small pueblos and an exceptional and significant great kiva (a large circular semi-subterranean ceremonial room), the inside and overall diameters of which are approximately 60 and 100 feet, respectively, which kiva has never been excavated by archeologists or vandalized by unauthorized digging; and

WHEREAS it appears that it would be in the public interest to reserve the lands embracing such archeological sites as a part of the said monument:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U. S. C. 431), do hereby proclaim that, subject to valid existing rights and the provisions of existing withdrawals, the following-described lands in Colorado are hereby added to and reserved as a part of the Hovenweep National Monument:

NEW MEXICO PRINCIPAL MERIDIAN

T. 36 N., R. 17 W.,
sec. 4, lot 3, SE¼NW¼, and E½SW¼NW¼.

The area described contains 81.02 acres, more or less.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any features of this monument and not to locate or settle upon any of the lands thereof.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of the lands hereby added to this monument as provided in the act of Congress entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916, 39 Stat. 535 (16 U. S. C. 1–3), and acts supplementary thereto or amendatory thereof.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 20th day of November in the year of our Lord nineteen hundred and [SEAL] fifty-two and of the Independence of the United States of America the one hundred and seventy-seventh.

HARRY S. TRUMAN

By the President:

DAVID BRUCE,
Acting Secretary of State.

[F. R. Doc. 52-12644; Filed, Nov. 25, 1952; 10:18 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter B—Estate and Gift Taxes

[Regs. 105; T. D. 5948]

PART 81—REGULATIONS RELATING TO ESTATE TAX

MISCELLANEOUS AMENDMENTS

On September 5, 1952, notice of proposed rule making, regarding certain estate tax provisions of the Revenue Act of 1950, approved September 23, 1950, was published in the FEDERAL REGISTER

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EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

(17 F. R. 8020). No objections to such rules having been received, the amendments set forth below necessary to conform Regulations 105 (26 CFR Part 81) to such provisions are hereby adopted.

PARAGRAPH 1. There is inserted immediately preceding § 81.44 the following:

SEC. 302. EXEMPTION OF CERTAIN ORGANIZATIONS FOR PAST YEARS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) *Trade or business not unrelated.* For any taxable year beginning prior to January 1, 1951, no organization shall be denied exemption under paragraph (1), (6), or (7) of section 101 of the Internal Revenue Code on the grounds that it is carrying on a trade or business for profit if the income from such trade or business would not be taxable as unrelated business income under the provisions of Supplement U of the Internal Revenue Code, as amended by this act, or if such trade or business is the rental by such organization of its real property (including personal property leased with the real property).

(b) *Period of limitations.* In the case of an organization which would otherwise be exempt under section 101 of the Internal Revenue Code were it not carrying on a trade or business for profit, the filing of the information return required by section 54 (f) of the Internal Revenue Code (relating to returns by tax-exempt organizations) for any taxable year beginning prior to January 1, 1951, shall be deemed to be the filing of a return for the purposes of section 275 of the Internal Revenue Code (relating to period of limitation upon assessment and collection). In the case of such an organization which was, by the provisions of section 54 (f) of the Internal Revenue Code, specifically not required to file such information return, for the purposes of the preceding sentence a return shall be deemed to have been filed at the time when such return should have been filed had it been so required. The provisions of this subsection shall not apply to a taxable year of such an organization with respect to which, prior to September 20, 1950, (1) any amount of tax was assessed or paid, or (2) a notice of deficiency under section 272 of the Internal Revenue Code was sent to the taxpayer.

(c) *Denial of deductions.* A gift or bequest to an organization prior to January 1, 1951, for religious, charitable, scientific, literary, or educational purposes (including the encouragement of art and the prevention of cruelty to children or animals) otherwise allowable as a deduction under section * * * 812 (d), 861 (a) (3), * * * of the Internal Revenue Code, may not be denied under such sections if a denial of exemption to such organization for the taxable year of the organization in which such gift or bequest was made is prevented by the provisions of subsections (a) or (b) of this section.

SEC. 162. NET INCOME (INTERNAL REVENUE CODE AS AMENDED BY SECTION 321, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

The net income of the estate or trust shall be computed in the same manner and on the same basis as in the case of an individual, except that—

(a) Subject to the provisions of subsection (g), there shall be allowed as a deduction (in lieu of the deduction for charitable, etc., contributions authorized by section 23 (o)) any part of the gross income, without limitation, which pursuant to the terms of the will or deed creating the trust, is during the taxable year paid or permanently set aside for the purposes and in the manner specified in section 23 (o), or is to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, or for the establishment, acquisition, maintenance or operation of a public cemetery not operated for profit. Where any amount of the income so paid or set aside is attributable to gain from the sale or exchange of capital assets held for more than six months, proper adjustment of the deduction otherwise allowable under this subsection shall be made for any deduction allowable to the trust under section 23 (ee);

* * * * *

(g) *Rules for application of subsection* (a) *in the case of trusts.*

* * * * *

(2) *Operations of trusts*—(A) *Limitation on charitable, etc., deduction.* The amount otherwise allowable under subsection (a) as a deduction shall not exceed 15 per centum of the net income of the trust (computed without the benefit of subsection (a)) if the trust has engaged in a prohibited transaction, as defined in subparagraph (B) of this paragraph.

(B) *Prohibited transactions.* For the purposes of this paragraph the term "prohibited transaction" means any transaction after July 1, 1950, in which any trust while holding income or corpus which has been permanently set aside or is to be used exclusively for charitable or other purposes described in subsection (a)—

(i) Lends any part of such income or corpus, without receipt of adequate security and a reasonable rate of interest, to;

(ii) Pays any compensation from such income or corpus, in excess of a reasonable allowance for salaries or other compensation for personal services actually rendered, to;

(iii) Makes any part of its services available on a preferential basis to;

(iv) Uses such income or corpus to make any substantial purchase of securities or any other property, for more than an adequate consideration in money or money's worth, from;

(v) Sells any substantial part of the securities or other property comprising such income or corpus, for less than an adequate consideration in money or money's worth, to; or

(vi) Engages in any other transaction which results in a substantial diversion of such income or corpus to;

the creator of such trust; any person who has made a substantial contribution to such trust; a member of the family (as defined in section 24 (b) (2) (D)) of an individual who is the creator of the trust or who has made a substantial contribution to the trust; or a corporation controlled by any such creator or person through the ownership, directly or indirectly, of 50 per centum or more of the total combined voting power of all classes of stock entitled to vote or 50 per centum or more of the total value of shares of all classes of stock of the corporation.

(C) *Taxable years affected.* The amount otherwise allowable under subsection (a) as a deduction shall be limited as provided in subparagraph (A) only for taxable years subsequent to the taxable year during which the trust is notified by the Secretary that it has engaged in such transaction, unless such trust entered into such prohibited transaction with the purpose of diverting such corpus or income from the purposes described in subsection (a), and such transaction involved a substantial part of such corpus or income.

(D) *Future charitable, etc., deductions of trusts denied deduction under subparagraph* (C). If the deduction of any trust under subsection (a) has been limited as provided in this paragraph, such trust, with respect to any taxable year following the taxable year in which notice is received of limitation of deduction under subsection (a), may, under regulations prescribed by the Secretary, file claim for the allowance of the unlimited deduction under subsection (a), and if the Secretary, pursuant to such regulations, is satisfied that such trust will not knowingly again engage in a prohibited transaction, the limitation provided in subparagraph (A) shall not be applicable with respect to taxable years subsequent to the year in which such claim is filed.

(E) *Disallowance of certain charitable, etc., deductions.* No gift or bequest for religious, charitable, scientific, literary, or educational purposes (including the encouragement of art and the prevention of cruelty to children or animals), otherwise allowable as a deduction under section * * * 812 (d), 861 (a) (3), * * * shall be allowed as a deduction if made in trust and, in the taxable year of the trust in which the gift or bequest is made, the deduction allowed the trust under subsection (a) is limited by subparagraph (A). With respect to any taxable year of a trust in which such deduction has been so limited by reason of entering into a prohibited transaction with the purpose of diverting such corpus or income from the purposes described in subsection (a), and such transaction involved a substantial part of such income or corpus, and

which taxable year is the same, or prior to the, taxable year of the trust in which such prohibited transaction occurred, such deduction shall be disallowed the donor only if such donor or (if such donor is an individual) any member of his family (as defined in section 24 (b) (2) (D)) was a party to such prohibited transaction.

(F) *Definition.* For the purposes of this paragraph the term "gift or bequest" means any gift, contribution, bequest, devise, legacy, or transfer.

(3) *Cross reference.* For disallowance of certain charitable, etc., deductions otherwise allowable under subsection (a), see section 3813.

* * * * *

SEC. 322. EFFECTIVE DATE OF PART II (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

The amendments made by this part [section 321, inserting subsection (g) in section 162 of the Internal Revenue Code] shall be applicable only with respect to taxable years beginning after December 31, 1950, except that subsection (g) (2) (E) of section 162 of the Internal Revenue Code, added by section 321 (a) of this Act, shall apply only with respect to gifts or bequests (as defined in section 162 (g) (2) (F) of the Internal Revenue Code) made on or after January 1, 1951.

* * * * *

SEC. 331. EXEMPTION OF CERTAIN ORGANIZATIONS UNDER SECTION 101 (6) AND DEDUCTIBILITY OF CONTRIBUTIONS MADE TO SUCH ORGANIZATIONS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

Chapter 38 is hereby amended by inserting at the end thereof the following new sections:

SEC. 3813. REQUIREMENTS FOR EXEMPTION OF CERTAIN ORGANIZATIONS UNDER SECTION 101 (6) AND FOR DEDUCTIBILITY OF CONTRIBUTIONS MADE TO SUCH ORGANIZATIONS.

(a) *Organizations to which section applies.* This section shall apply to any organization described in section 101 (6) except—

(1) A religious organization (other than a trust);

(2) An educational organization which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on;

(3) An organization which normally receives a substantial part of its support (exclusive of income received in the exercise or performance by such organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under section 101 (6)) from the United States or any State or political subdivision thereof or from direct or indirect contributions from the general public;

(4) An organization which is operated, supervised, controlled, or principally supported by a religious organization (other than a trust) which is itself not subject to the provisions of this section; and

(5) An organization the principal purposes or functions of which are the providing of medical or hospital care or medical education or medical research.

(b) *Prohibited transactions.* For the purposes of this section, the term "prohibited transaction" means any transaction in which an organization subject to the provisions of this section—

(1) Lends any part of its income or corpus, without the receipt of adequate security and a reasonable rate of interest, to;

(2) Pays any compensation, in excess of a reasonable allowance for salaries or other compensation for personal services actually rendered, to;

(3) Makes any part of its services available on a preferential basis to;

(4) Makes any substantial purchase of securities or any other property, for more than adequate consideration in money or money's worth, from;

(5) Sells any substantial part of its securities or other property, for less than an adequate consideration in money or money's worth, to; or

(6) Engages in any other transaction which results in a substantial diversion of its income or corpus to;

the creator of such organization (if a trust); a person who has made a substantial contribution to such organization; a member of the family (as defined in section 24 (b) (2) (D)) of an individual who is the creator of such trust or who has made a substantial contribution to such organization; or a corporation controlled by such creator or person through the ownership, directly or indirectly, of 50 per centum or more of the total combined voting power of all classes of stock entitled to vote or 50 per centum or more of the total value of shares of all classes of stock of the corporation.

(c) *Denial of exemption to organizations engaged in prohibited transactions*—(1) *General rule.* No organization subject to the provisions of this section which has engaged in a prohibited transaction after July 1, 1950, shall be exempt from taxation under section 101 (6).

(2) *Taxable years affected.* An organization shall be denied exemption from taxation under section 101 (6) by reason of paragraph (1) only for taxable years subsequent to the taxable year during which it is notified by the Secretary that it has engaged in a prohibited transaction, unless such organization entered into such prohibited transaction with the purpose of diverting corpus or income of the organization from its exempt purposes, and such transaction involved a substantial part of the corpus or income of such organization.

(d) *Future status of organization denied exemption.* Any organization denied exemption under section 101 (6) by reason of the provisions of subsection (c), with respect to any taxable year following the taxable year in which notice of denial of exemption was received, may, under regulations prescribed by the Secretary, file claim for exemption, and if the Secretary, pursuant to such regulations, is satisfied that such organization will not knowingly again engage in a prohibited transaction, such organization shall be exempt with respect to taxable years subsequent to the year in which such claim is filed.

(e) *Disallowance of certain charitable, etc., deductions.* No gift or bequest for religious, charitable, scientific, literary, or educational purposes (including the encouragement of art and the prevention of cruelty to children or animals), otherwise allowable as a deduction under section * * * 812 (d), 861 (a) (3), * * * shall be allowed as a deduction if made to an organization which, in the taxable year of the organization in which the gift or bequest is made, is not exempt under section 101 (6) by reason of the provisions of this section. With respect to any taxable year of the organization for which the organization is not exempt pursuant to the provisions of subsection (c) by reason of having engaged in a prohibited transaction with the purpose of diverting the corpus or income of such organization from its exempt purposes and such transaction involved a substantial part of such corpus or income, and which taxable year is the same, or prior to the, taxable year of the organization in which such transaction occurred, such deduction shall be disallowed the donor only if such donor or (if such donor is an individual) any member of his family (as defined in section 24 (b) (2) (D)) was a party to such prohibited transaction.

(f) *Definition.* For the purposes of this section, the term "gift or bequest" means any gift, contribution, bequest, devise, legacy, or transfer.

* * * * *

SEC. 332. TECHNICAL AMENDMENTS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

* * * * *

(e) *Amendment of section 812 (d).* Section 812 (d) is hereby amended by adding at the end thereof the following: "For disallowance of certain charitable, etc., deductions otherwise allowable under this subsection, see sections 3813 and 162 (g) (2)."

(f) *Amendment of section 861 (a).* Section 861 (a) (3) is hereby amended by adding at the end thereof the following: "For disallowance of certain charitable, etc., deductions otherwise allowable under this paragraph, see sections 3813 and 162 (g) (2)."

* * * * *

SEC. 333. EFFECTIVE DATES (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

Subsections (c) and (d) of section 3813 * * * of the Internal Revenue Code, added by section 331 of this Act, shall apply with respect to taxable years beginning after December 31, 1950, and subsection (e) of section 3813 of the Internal Revenue Code shall apply only with respect to gifts or bequests (as defined in section 3813 of the Internal Revenue Code) made on or after January 1, 1951.

PAR. 2. Section 81.44, as amended by Treasury Decision 5906, approved May 27, 1952, is further amended as follows:

(A) By changing the headnote of such section and of paragraph (a) to read as follows: "§ 81.44 *Transfers for public, charitable, religious, etc., uses*—(a) *In general.*";

(B) By striking the word "Deduction" at the beginning of the first sentence and inserting in lieu thereof the following: "Except as otherwise provided in paragraph (b) of this section, deduction"; and

(C) By adding at the end of paragraph (a) the following paragraph (b).

(b) *Disallowance of certain charitable, etc., deductions.* (1) In the case of a decedent dying on or after January 1, 1951, no deduction which would otherwise be allowable under paragraph (a) of this section for the value of property transferred by the decedent during his lifetime or by will for religious, charitable, scientific, literary, or educational purposes (including the encouragement of art and the prevention of cruelty to children or animals) shall be allowed if (i) the transfer is made in trust and, for income tax purposes for the taxable year of the trust in which the transfer is made, the deduction otherwise allowable to such trust under section 162 (a) is limited by section 162 (g) (2) (A) by reason of the trust having engaged in a prohibited transaction described in section 162 (g) (2) (B); or (ii) the transfer is made to an organization subject to section 3813 which, for its taxable year in which the transfer is made, is not exempt from income tax under section 101 (6) by reason of having engaged in a prohibited transaction described in section 3813 (b).

(2) For the purpose of section 162 (g) (2) (E) and section 3813 (e) the term "transfer" includes any gift, contribution, bequest, devise, legacy, or other disposition. In applying such sections for estate tax purposes, a transfer, whether made before, on or after January 1, 1951, and whether made during the decedent's lifetime or by will, shall be considered as having been made at the moment of the decedent's death.

(3) Part 29 of this chapter, relating to the income tax, contain the rules for the determination of the taxable year of the trust for which the deduction under section 162 (a) is limited by section 162 (g) (2) and for the determination of the taxable year of the organization for which an exemption is denied under section 3813 (c). See §§ 29.162–3 (b) and 29.3813–1 of this chapter. Such taxable year must begin after December 31, 1950. Generally, such taxable year is a taxable year subsequent to the taxable year during which the trust or organization has been notified by the Commissioner that it has engaged in a prohibited transaction. However, if the trust or organization after December 31, 1950, and during or prior to the taxable year entered into the prohibited transaction for the purpose of diverting its corpus or income from the purposes described in section 162 (a) or from its exempt purposes, as the case may be, and such transaction involves a substantial part of such income or corpus, then the deduction of the trust under section 162 (a) for such taxable year is limited by section 162 (g) (2), or the exemption of the organization for such taxable year is denied under section 3813 (c), whether or not the organization has previously received notification by the Commissioner that it is engaged in a prohibited transaction. In certain cases, the limitation of section 162 (g) may be removed or the exemption may be reinstated for certain subsequent taxable years under the rules set forth in §§ 29.162–3 (b) and 29.3813–2, of this chapter.

(4) In cases in which prior notification by the Commissioner is not required in order to limit the deduction of the trust under section 162 (g) (2) or to deny exemption of the organization under section 3813, the deduction otherwise allowable under paragraph (a) of this section shall not be disallowed in respect to transfers made during the same taxable year of the trust or organization in which such prohibited transaction occurred or in a prior taxable year unless the decedent or a member of his family was a party to the prohibited transaction. For the purpose of the preceding sentence, the members of the decedent's family include only his brothers and sisters, whether by whole or half blood, spouse, ancestors, and lineal descendants.

PAR. 3. Section 81.45 is amended by adding at the end thereof the following: "For further limitations in the case of transfers by decedents dying on or after January 1, 1951, see § 81.44 (b), relating to transfers to trusts and organizations engaged in a prohibited transaction described in sections 162 (g) (2) (B) or 3813 (b)."

(53 Stat. 467; 26 U. S. C. 3791)

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

Approved: November 21, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52–12587; Filed, Nov. 25, 1952; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter B—Aircraft

PART 824—AIR FORCE PARTICIPATION IN CEREMONIES, CELEBRATIONS, AND EXHIBITIONS

The following new sections revise §§ 824.1 to 824.11 (16 F. R. 1270; 32 CFR 824).

Sec.
824.1 General.
824.2 Definition.
824.3 Types of participation.
824.4 Approving authority.
824.5 Suitable occasions.
824.6 Rules for participation.
824.7 Qualifications.
824.8 Idemnity insurance specifications.
824.9 Equipment for exhibitions.
824.10 Participation of military personnel.

AUTHORITY: §§ 824.1 to 824.10 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a.

DERIVATION: AFR 190–5.

§ 824.1 *General*—(a) *Purpose.* This part prescribes the policy and procedures governing participation of aircraft in demonstrations, celebrations, and public events; defines types of participation; and states the rules for Air Force participation.

(b) *Policy.* (1) To sustain broad public understanding of the mission and operations of the Air Force, it is desired that, within security and budgetary limitations, the public be permitted to view the equipment and state of training of the Air Force.

(2) Owing to interruptions in training, operational maneuvers, and the high cost incurred by the Government, aircraft will participate in demonstrations only on carefully selected occasions.

§ 824.2 *Definition.* Participation of aircraft in demonstrations, celebrations, and public events is any flight or display at a specific place or time, such as public gatherings, demonstrations, ceremonies, and similar events sponsored by public officials, nonprofit civilian agencies, organizations representing the public, or by the Department of Defense or the Air Force.

§ 824.3 *Types of participation*—(a) *Class I; the flyover.* The aircraft depart from a military base, participate as practicable, and return to the base without landing.

(b) *Class II; major shows.* The aircraft depart from their home stations as necessary to arrive prior to the event, participate as practicable, refuel as necessary, and are based at a location other than the home station for the duration of the event.

(c) *Class III; open house.* The aircraft are demonstrated as practicable for public audiences on a Government-owned or leased installation. The demonstration is composed of aircraft under the command jurisdiction of the headquarters approving the open house.

§ 824.4 *Approving authority*—(a) *Classes I and II.* Classes I and II must be approved by the Office of the Secretary of Defense. However, all requests for Class I and II participation will be directed through normal channels to the Director of Public Information, Office of the Secretary of the Air Force, Washington 25, D. C.

(b) *Class III.* (1) If the event concerns national holidays, anniversaries, or other situations of great national or international interest, it will be approved and monitored by the Director of Public Information, Office of the Secretary of the Air Force. Authority for the planning and arrangement of details is delegated to the major air command in accordance with applicable instructions contained in this part.

(2) Arrangements for recruiting demonstrations and exhibitions, local Air Force base open house, and similar matters of local Air Force interest will be approved by the Director of Public Information, Office of the Secretary of the Air Force. Arrangements will be delegated to the major air command in accordance with applicable instructions contained in this part.

§ 824.5 *Suitable occasions*—(a) *Class I.* (1) Civic sponsored local celebrations of national holidays, specifically, Independence Day, Armistice Day, Memorial Day, and Armed Forces Day.

(2) Memorial services for deceased nationally recognized military or Government figures.

(3) Celebrations or receptions for prominent representatives of foreign governments.

(4) National conventions of bona fide major veterans' organizations.

(b) *Class II.* Occasions of national importance designed primarily to encourage the advancement of aviation.

(c) *Class III.* Such times or occasions as the Chief of Staff, United States Air Force, or properly delegated subordinate commanders believe to be in the interest of the Air Force.

§ 824.6 *Rules for participation*—(a) *General.* (1) The occasion must be sponsored by nonprofit civic agencies, public officials, the Department of Defense, or the Air Force.

(2) No monetary gain will accrue to any person or organization other than that which would be used in the interest of the general public or a bona fide philanthropy.

(3) The sponsor must provide information indicated in the Air Show Information Steet and Questionnaire (to be furnished by the Director of Public Information).

(4) Aircraft will not be flown in any race or engage in acrobatics, except as specifically authorized by the approving authority as outlined in § 824.4.

(5) Aircraft may demonstrate such tactics as are justified by conditions and by pilot proficiency but are subject to military or civil air regulations.

(6) Decision for aircraft to participate in any class event will be based on fuel allowances, operating schedules, safe operating radius and conditions, interference with normal operations and training, expenses of personnel, and availability of suitable types of aircraft in the area of participations.

(7) In no case will personnel be required to participate in aviation demon-

strations, Class I, II, or III, without reasonable reimbursement by either the sponsor or the service concerned for necessary additional expenses which may be incurred as a result of such participation.

(b) *Class I.* (1) The occasion must be a suitable one as defined in § 824.5 (a).

(2) No acrobatics will be flown.

(3) No insurance bond is required, nor is any financial obligation on the part of the sponsoring agency incurred.

(c) *Class II.* (1) The occasion must be a suitable one as defined in § 824.5 (b).

(2) The airport must be adequate; approaches, lengths of runways, and hazards to navigation must provide a wide margin of safety. Suitable firefighting and communications equipment must be provided.

(3) Participating personnel will be sufficient in number and proficiency to care for and maintain aircraft.

(4) A nonparticipating rated pilot will be designated the liaison officer. On occasions where two or more services are participating, the Office of the Secretary of Defense will indicate which service will designate the senior liaison officer. The senior liaison officer will be detailed in time to arrive at the properly appointed place sufficiently ahead of the participating units, and will be responsible for proper coordination between the sponsoring agency and the military units. It will also be his responsibility to insure that all flight regulations are rigidly adhered to and that the insurance bond is properly executed.

(d) *Class III.* The occasion must be a suitable one as defined in § 824.5 (c).

(e) *Exceptions.* In unusual circumstances, exceptions to the rules of participation will be submitted through channels to the Director of Public Information, Office of the Secretary of the Air Force.

§ 824.7 *Qualifications.* The organization requesting a Class II show will:

(a) Furnish sufficient fuel of Air Force specification to cover flight demonstrations, including filling the tanks of the aircraft on arrival and again prior to departure.

(b) Defray the expenses of all personnel involved in the demonstration while away from their home stations. The expenses will include suitable hotel accommodations; suitable and adequate meals (or reasonable monetary reimbursement in lieu thereof); and adequate transportation during the course of events for the participating personnel.

(c) Negotiate an insurance bond if any flight participation is staged from or over the site of the event. (No bond will be required when aircraft fly to an event for static exhibition only.)

(d) Give assurance that the performance will be in keeping with aviation progress and will not in any way endanger the spectators, unduly endanger the participants, or detract from the dignity of the participating service.

§ 824.8 *Indemnity insurance specifications*—(a) *Participations not requiring indemnity bonds.* (1) Demonstration flights conducted at installations owned or leased by the United States Government.

(2) Public exhibitions not involving flight of service aircraft and equipment regardless of place of exhibition (static displays of aircraft).

(3) Flight of aircraft to and from place of exhibition.

(4) Class I demonstrations (the flyover).

(b) *Participation requiring indemnity bond.* Flying demonstrations by service aircraft at places not owned or leased by the United States Government other than Class I participation, but to include helicopter demonstrations, require indemnity bonds.

(c) *Bond required*—(1) *Type.* A liability insurance policy will be considered as adequate insurance bond coverage.

(2) *Amount.* Indemnity or liability insurance indorsement to the extent of $50,000 to $500,000 for personal injury or death and $250,000 for property damage in connection with flying demonstrations is considered an adequate amount for normal participation.

(d) *Scope of coverage.* The subject bond or liability policy must state clearly the intent to cover accidents caused by or resulting from the maintenance, use, or operation of aircraft and equipment owned by the United States Government, and officers or employees of the United States Government acting within the scope of their employment. The policy should contain the elements present in the sample indorsement below:

SAMPLE INDORSEMENT

(1) The coverage provided by this policy is extended to cover accidents caused by or resulting from the maintenance or use of aircraft or equipment owned by the United States Government, its officers or employees acting within the scope of their office or employment.

(2) It is understood and agreed that the coverage granted hereunder shall not apply with respect to bodily injury accidents (or death resulting therefrom) to officers or employees of the United States and/or damage to or destruction of United States Government aircraft or equipment.

(e) *Submission.* Subject bond or insurance must be submitted to the Director of Public Information, Office of the Secretary of the Air Force, Washington 25, D. C., not later than ten days prior to the beginning of the demonstration.

§ 824.9 *Equipment for exhibitions*—(a) *Definition.* Equipment includes aeronautics equipment, such as aircraft and parts thereof, instructional and informational literature, posters, etc.

(b) *Responsibility of major air commanders.* Commanding generals of major air commands will issue instructions concerning the type of equipment to be displayed and provide for its availability. They will be guided by the principle that the Air Force should do everything within its power to promote interest at every opportunity by making available to the general public, interesting exhibits of equipment, motion pictures, and captured equipment; by having qualified officers speak to civic organizations and other groups; and by including the possibility of having each major air activity prepare fixed and mobile exhibits of public interest. In addition, they will determine policies controlling exhibitions, particularly as to whether it is to the best interest of the Air Force to participate in a public display or hold "open house" at the nearest Air Force base.

(c) *Responsibility of commanding officers.* Commanding officers will, within policies established above, comply with all reasonable requests for furnishing such equipment for exhibition purposes for local civic nonprofit organizations. Decision to participate must be based upon the following considerations, and, once the decision is made, every effort will be made to insure success:

(1) The display must be available to the general public, not confined solely to the members of the organization making the request.

(2) The organization making the request must be representative of the public in the general local area.

(3) The display must afford an opportunity to educate the general public in Air Force equipment and give favorable publicity to the Air Force.

(d) *Conditions to be met.* The following conditions will be met in furnishing such equipment:

(1) No classified equipment will be displayed.

(2) Equipment must be under such auspices and so displayed as to emphasize its educational value and to attract wide attention.

(3) Displayed equipment must be under the direct supervision of a military or civilian representative of the Air Force.

(4) Those organizations requesting Air Force participation involving static exhibit equipment and charging admission for admittance to exhibition will be governed by the rules for participation as outlined in §§ 824.7 (a) and 824.8 so far as the regulations apply.

(e) *Forwarding information.* Information concerning such participation will be forwarded to the Director of Public Information, Office of the Secretary of the Air Force, Washington 25, D. C.

§ 824.10 *Participation of military personnel.* Air Force military personnel may participate in parades, public exhibitions, etc., upon invitation from responsible public officials, on occasions that will not interfere with normal training or operational activities, and when such participation would create favorable publicity for the Air Force. Information concerning such participation will be forwarded to the Director of Public Information, Office of the Secretary of the Air Force, Washington 25, D. C.

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 52-12534; Filed, Nov. 25, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order 23]

DMO 23—AGENCY RESPONSIBILITIES IN COMPLETING AND MAINTAINING THE MOBILIZATION BASE

Purpose. The purpose of this document is to bring together and amplify

the guidance which has been given to the several mobilization agencies engaged in strengthening the mobilization base and to fix their responsibilities for action programs concerned with the mobilization base.

Definition. The mobilization base is that capacity available to permit rapid expansion of production, sufficient to meet military, war-supporting, essential civilian, and export requirements in event of a full-scale war. It includes such elements as essential services, food, raw materials, facilities, production equipment, organization, and manpower.

Policy. It is the policy of the United States to provide a military preparedness, in association with friendly nations, which can be maintained as long as necessary as a deterrent to aggression, as an indispensable support of our foreign policy, as a basis for initial phases of full-scale war, should war prove unavoidable, and as a foundation for speedy full mobilization.

Due to the continuing threat of aggression and the uncertainty as to when or where an aggressor might attack, a course has been chosen of (a) maintaining defense production in order to support limited military forces in a high state of readiness, commensurate with world conditions, and (b) providing the esential elements of a mobilization base to meet the requirements of full-scale war. Requirements for the first are increasingly being met. Therefore, additional stress will be placed on filling the gaps in the mobilization base.

To the maximum extent possible, private enterprise will continue to be relied upon to take the steps necessary to meet the requirements of the mobilization base, with Government aid when appropriate. Policies and actions shall take into consideration the need to minimize dislocations in the economy which adversely affects business initiative and employment opportunities, labor standards, small business participation and other relationships necessary for high morale and general economic stability.

In formulating programs and in utilizing available funds, balance must be maintained between building the mobilization base and providing a war reserve of end-items. This is necessary so that the two taken together will come up to, but not exceed, properly time-phased war requirements. Productive capacity generally is less subject to obsolescence and costs less than the reserves of end-items which it displaces. However, it is recognized that regardless of cost or obsolescence, minimum war reserves of military end-items as established by the Department of Defense are necessary to bridge the gap between the start of hostilities and the attainment of production.

An appropriate balance must now be established among the most critical elements of the mobilization base. Since passage of the Defense Production Act in 1950 substantial progress has been made in increasing our resources in many essential elements, such as steel and aluminum, which take the greatest investment in time and money. Full allowance should be made for conversion of less essential civilian production facilities to the production of military items, and the requirements, resources and capacities of allied and other friendly nations contributing to mutual security activities in determining critical deficiencies in the mobilization base.

The mobilization base program will be a continuous process of determination and action to the end of keeping requirements and resources aligned.

Programming the mobilization base. In programming the mobilization base both general and specific approaches will be used. The general approach is concerned with the measurement of total resources and their maximum use in wartime. This general effort is to be guided by the ODM Mobilization Base Program Committee.

The specific approach is concerned with deficiencies and imbalances in limited areas of the economy. Moreover, it is closely tied with production programs. The work of the ODM Advisory Committee on Production Equipment is an example of the specific approach.

In logic, the general approach includes the specific. In practice they are complements. The general approach will be cut off at a relatively high level in terms of the number of resources examined. The specific approach will be used to determine deficiencies for specialized equipment required by a particular program which can be identified in no other way.

The task is now, and will increasingly be, to complete the program of identifying those deficiencies in the mobilization base which would seriously limit military production under full mobilization conditions, and of overcoming such deficits as quickly and fully as possible. Once deficiencies are uncovered the Office of Defense Mobilization will determine which are to have priority of attention.

The Office of Defense Mobilization, after consultation with the National Security Resources Board on over-all mobilization problems, will provide all defense agencies with guidance to assure consistency among the programs developed by the defense agencies.

Estimates for key elements (a) of total feasible full-mobilization requirements, (b) of existing resources and future availabilities to meet the requirements and (c) of resulting deficiencies, will be made by the appropriate agencies under the coordination and guidance of:

(1) Defense Production Administration for physical resources, except food and other agricultural commodities,

(2) The Department of Agriculture for food and other agricultural commodities,

(3) The Department of Labor (Defense Manpower Administration) for manpower.

In making the above computations, the agencies designated will work with the claimant agencies. In the absence of comprehensive and detailed requirements, agencies will use short-cut techniques to make interim determinations of deficiencies.

In calculating requirements and available resources, the needs and contributions of friendly countries will be taken into account. So far as feasible, U. S. mobilization base programming shall take account of full-mobilization base planning of other countries of the free world in a manner that will result in the maximum collective strength of the entire free world.

Studies will be continued to determine means of (a) maintaining the mobilization base, (b) minimizing its vulnerability, and (c) effecting rapid recuperation from wartime enemy attack. Proposals to achieve these objectives shall be developed by the agencies concerned under the guidance of the Office of Defense Mobilization and implemented through appropriate defense mobilization orders.

Action to complete the mobilization base. The agencies having mobilization programs will take action within the limits of present programs, authority and available funds, to overcome critical deficiencies. Whenever it is found that additional authority or funds are required, the need will be brought to the attention of the Director of Defense Mobilization.

Important examples of current programs and devices which will be continued to achieve the mobilization base, together with agencies having primary responsibilities for them, are listed below:

(a) Encouraging the expansion of industrial capacity and services by private enterprise with the use, where appropriate, of Government aids for projects determined to be in the interest of national defense: Primary responsibility—Defense Production Administration.

(b) Encouraging the expansion of food and agricultural capacity and effecting the necessary shifts in production patterns by the use, where appropriate, of Government aids and by procuring agricultural commodities for stockpiling or resale for industrial uses: Primary responsibility—Department of Agriculture.

(c) Administering, and preparing for administration under conditions of full mobilization, scheduling, limitation, conservation and other priority and allocation orders; and estimating, as delegated, requirements and resources for full mobilization for industrial production, industrial construction and civilian supply programs: Primary responsibility—Department of Commerce (National Production Authority).

(d) Engaging as many producers and facilities in current military production as is practicable: Primary responsibility—Department of Defense.

(e) Encouraging those engaged in military production to increase mobilization capacities were needed by expansion of facilities and subcontracting so that current military requirements may, to the extent practicable, be produced by one-shift operations, thus making expansion through a multi-shift operation available when needed: Primary responsibility, Department of Defense.

(f) When necessary to supplement capacity provided in paragraph (e) above, acquiring a selected reserve of machine tools and production equipment and, where practicable and desirable, putting these tools and equipment

in place: Primary responsibility—Department of Defense.

(g) Determining stockpiling objectives for strategic materials: Primary responsibility—Department of Defense and Department of the Interior.

(h) Encouraging the expansion of facilities for production and processing of critical materials to meet the requirements determined by the Defense Production Administration and to fulfill stockpile objectives set up by the Munitions Board: Primary responsibility—Defense Materials Procurement Agency.

(i) Encouraging the expansion of facilities by friendly countries for production of materials, equipment, and products of which there are deficiencies or potential deficiencies in the free world full mobilization base: Primary responsibility — Director for Mutual Security.

(j) Encouraging the exploration for critical raw materials and the development of improved methods for their extraction and recovery: Primary responsibility—Department of the Interior—domestic; Director for Mutual Security—foreign.

(k) Encouraging the conservation of critical materials and developing improved methods for conservation: Primary responsibility—Defense Production Administration.

(l) Encouraging friendly countries to conserve in their uses of materials critical to mobilization needs and to plan for their minimum use under full-mobilization conditions: Primary responsibility—Director for Mutual Security.

(m) Providing manpower in the numbers and skills required for the mobilization base through programs designed to obtain better utilization of human resources and development of skills: Primary responsibility—Department of Labor (Defense Manpower Administration).

In accordance with guidance provided by the Office of Defense Mobilization, reports by the participating agencies on their progress in determining deficiencies and meeting mobilization base objectives will be furnished to the Office of Defense Mobilization as required.

This order is to take effect on November 27, 1952.

OFFICE OF DEFENSE MOBILIZATION,
HENRY H. FOWLER,
Director.

[F. R. Doc. 52-12645; Filed, Nov. 25, 1952; 10:26 a. m.]

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 9, Rev. 1, Supplementary Regulation 3, Rev. 1]

CPR 9—TERRITORIES AND POSSESSIONS

SR 3—ESTABLISHMENT OF UNIFORM PRICES IN THE TERRITORIES AND POSSESSIONS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 3, Revision 1, to Ceiling Price Regulation 9, Revision 1 is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 3 to Ceiling Price Regulation 9, Revision 1, permits a manufacturer or wholesaler, who has established with the National office of the Office of Price Stabilization a uniform price in the continental United States for a branded product, to apply for a uniform price to prevail in any or all of the territories and possessions, if, for a period immediately prior to January 26, 1951, uniform prices were maintained for the branded product.

This Revision 1 to Supplementary Regulation 3 to Ceiling Price Regulation 9, Revision 1 permits retailers in any of the territories who sold, for a period immediately prior to January 26, 1951, a branded article or articles at the retail list price suggested by the manufacturer and if the Director of Price Stabilization has by order under section 43 of Ceiling Price Regulation 7, or Supplementary Regulation 4 of Ceiling Price Regulation 7, established uniform retail ceiling prices for the sale of the article or articles in the continental United States to apply for permission to use as ceiling prices the prices suggested by the manufacturer.

In addition, certain minor changes have been made in the supplementary regulation for purposes of clarity.

The Director of Price Stabilization, in formulating this Supplementary Regulation, has consulted with representatives of industry to the extent practicable and has given consideration to their recommendations.

In the judgment of the Director, the provisions of this revision to Supplementary Regulation 3 to Ceiling Price Regulation 9, Revision 1, are generally fair and equitable, and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Ceiling prices, application by manufacturers and wholesalers.
3. Wholesale ceiling prices.
4. Ceiling prices, application by retailers in the territories and possessions.
5. Orders.
6. Records.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161 Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation provides a method whereby certain manufacturers, wholesalers and retailers of branded articles sold under Ceiling Price Regulation 9, Revision 1, may apply for the establishment of uniform wholesale and retail ceiling prices.

SEC. 2. Ceiling prices, application by manufacturers and wholesalers. If you are the manufacturer or wholesaler of a branded article which was sold at retail in the territories and possessions, or any of them, at substantially uniform prices for a period immediately prior to January 26, 1951, and if the Director of Price Stabilization has previously by order under section 43 of Ceiling Price Regulation 7, or Supplementary Regulation 4 to Ceiling Price Regulation 7, established a uniform retail ceiling price for the article in the continental United States, you may apply for the establishment of a uniform retail ceiling price for sales at retail in that territory or those territories. Your application must be in duplicate, must be signed, must be addressed to the Director of Region XIV, Office of Price Stabilization, Washington 25, D. C., and must contain:

(a) Your business name and address.

(b) The brand name or names, style or lot number of the article or articles, and if you are a wholesaler, the manufacturer's name and address.

(c) A statement that the article or articles were sold for a period immediately prior to January 26, 1951, in the territory or possession in which you seek to establish a uniform retail ceiling price.

(d) The number and date of the order issued by the Office of Price Stabilization under section 43 of Ceiling Price Regulation 7, or Supplementary Regulation 4 of Ceiling Price Regulation 7, establishing uniform retail ceiling prices in the continental United States.

(e) Your most recent invoice price and terms to various classes of retailers and wholesalers (if any) in the territories and possessions covered by the application, and in the continental United States.

(f) Your suggested retail prices for the territories and possessions covered by the application, for a period immediately prior to January 26, 1951, and at the present time.

(g) Sample copies of catalogs sent to retailers, advertising mats furnished retailers, national advertising clippings, or other evidence of retail price maintenance in the territory or possession covered by the application for a period immediately prior to January 26, 1951.

(h) Your suggested uniform retail price for the article in the territories and possessions covered by the application.

SEC. 3. *Wholesale ceiling prices.* If the article or articles were sold at uniform prices in sales at wholesale as well as retail in the territories and possessions, or any of them, for a period immediately prior to January 26, 1951, you may request in your application the establishment of uniform wholesale ceiling prices under this section of this supplementary regulation. You must indicate in your application the proposed uniform wholesale price.

SEC. 4. *Ceiling prices, application by retailers in the territories and possessions.* If you are a retailer in one of the territories, and if for a period immediately prior to January 26, 1951, you sold a branded article or articles at the retail list prices suggested by the manufacturer and if the Director of the Office of Price Stabilization has, by order under section 43 of Ceiling Price Regulation 7, or Supplementary Regulation 4 of Ceiling Price Regulation 7, established uniform retail ceiling prices for the sale of the article or articles in the continental United States, you may apply for

permission to use, as your ceiling prices, the prices suggested by the manufacturer. Your application must be in duplicate, must be addressed to the Director of the appropriate Territorial Office of Price Stabilization, must be signed, and must contain:

(a) Your business name and address.

(b) The brand name, manufacturer's name and address, style, or lot number of the article or articles covered by the application.

(c) Identification of the order under section 43 of Ceiling Price Regulation 7 or Supplementary Regulation 4 of Ceiling Price Regulation 7, establishing uniform retail ceiling prices on the mainland, if known. (If this information is not available to the applicant, the Office of Price Stabilization will supply it upon receipt of the otherwise completed application.)

(d) Clippings of advertisements or other information supporting the fact that you sold these articles at suggested retail prices of the manufacturer or wholesaler for a period immediately prior to January 26, 1951.

(e) The prices in effect for the article or articles covered by your application for a period immediately prior to January 26, 1951.

(f) A copy of the list of manufacturer's proposed retail prices in effect at the time of the application.

SEC. 5. *Orders.* If the Director of Price Stabilization finds that an application filed under this supplementary regulation is correct and in order, and that the granting of the application will result in ceiling prices no higher than the level of ceiling prices otherwise established under Ceiling Price Regulation 9, Revision 1, he will, by order, grant the application. Until such time as the order is effective, however, sellers must continue to determine their ceiling prices under Ceiling Price Regulation 9, Revision 1.

SEC. 6. *Records.* Any person selling an article, the ceiling price for which is established under an order issued pursuant to this supplementary regulation, need not prepare or maintain records after the effective date of the order, showing how he determined his ceiling price for that article, required by section 9 (b) of Ceiling Price Regulation 9.

Effective date. This supplementary regulation shall become effective November 29, 1952.

NOTE: The reporting and record-keeping requirements of this supplementary regulation has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 24, 1952.

[F. R. Doc. 52–12609; Filed, Nov. 24, 1952; 4:00 p. m.]

No. 231——2

[Ceiling Price Regulation 14, Amdt. 18]

CPR 14—CEILING PRICES OF CERTAIN FOODS SOLD AT WHOLESALE

FILING OF ADJUSTMENT APPLICATIONS AND REPORTS WITH FIELD OFFICES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 18 to Ceiling Price Regulation 14 is hereby issued.

STATEMENT OF CONSIDERATIONS

In order further to effectuate the Director's program for decentralizing the processing of reports and adjustment applications received from wholesalers under Ceiling Price Regulation 14, this amendment requires the filing of all reports and adjustment applications with local OPS offices.

Heretofore, wholesalers applying for adjustments or filing reports under the provisions of this regulation were required in most cases to file their applications or reports with the National Office of OPS.

In view of the nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable. In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that Act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 14 is amended in the following respects:

1. Sub-paragraph (3), paragraph (a), section 23, is amended to read as follows:

(3) Before using different delivered prices for different zones under this section, you must report in writing to the OPS office for your area the amount of such differential and a description of your base zone and delivery zones. Before changing any zone differentials you previously reported, you must report in writing to the OPS office for your area your new zone differentials and the basis on which they were computed.

2. The first sentence of paragraph (d) of section 26 is amended to read as follows: "Such application must be filed in duplicate with the OPS office for your area."

3. The first sentence of paragraph (c) of section 27 is amended to read as follows: "Such application must be filed in duplicate with the OPS office for your area."

4. Paragraph (c) of section 27a is amended to read as follows:

(c) Your application must be filed in duplicate with the OPS office for your area. You may not price under this section until you have received specific authority from such OPS office.

5. The first sentence of sub-paragraph (1), paragraph (e), section 27b, is amended to read as follows: "Your application must be filed in duplicate with the OPS office for your area."

6. Sub-paragraph (3), paragraph (e), section 27b, is amended to read as follows:

(3) If at any time after you are authorized to make an addition to your "net cost" under this section your method of promoting the label or brand covered by your application changes in any material respect, you must report the changes immediately to the OPS office for your area.

7. The last sentence of sub-paragraph (4), paragraph (e), section 27b, is amended to read as follows: "You must, however, notify the OPS office for your area before you sell under this label or brand a food not listed in your application, or discontinue a food which you did list."

8. The last sentence of paragraph (f), section 27b is amended to read as follows: "If you desire to obtain authority to add a specific percentage figure to your "net cost" of foods you now sell or plan to sell under that label or brand, you may make an application (in duplicate) to the OPS office for your area."

9. Sub-paragraph (8), paragraph (f), section 27b is amended to read as follows:

(8) A description of your proposed advertising, promotion and merchandising programs, with respect to the label or brand involved, including representative layout copy of your proposed advertising, labels and promotion.

You may not operate under this paragraph until you are notified in writing by the OPS office for your area of the additional percentage figure, not to exceed five percent (5%), which you will be allowed to use. If your estimated expenditure is at least 1½ percent but not more than 3½ percent, you may be granted authority to add 3½ percent to your net cost. If your estimated expenditure is more than 3½ percent you may be granted authority to add your estimated percentage figure not to exceed 5 percent. In the event you are granted authority to add a specific percentage to your "net cost" of foods bearing the label or brand covered by your application, you must also reduce by the same percentage figure your "net cost" of all foods of the same type (i. e., "cut", "sieve", "pitted", vs. "unpitted", "peeled" vs. "unpeeled", etc.) of the same grade, variety and quality bearing labels or brands not owned or exclusively controlled by you. In addition, within 25 days after the close of the first six months of your operation under this paragraph, you must submit to the OPS office for your area a new application under the provisions of paragraph (a) of this section using your experience for this 6-month period.

The furnishing of a list of the foods for which you seek authority to add a specific percentage figure does not mean

that the adjustment granted under this section is permanently restricted to the foods you have listed. You may at any time add new foods to be sold under the label or brand for which you have filed an application and make, with respect to them, any addition which you may have been allowed to make under this paragraph.

Moreover, you may, at any time, remove foods from the list which you have submitted. You must, however, notify the OPS office for your area before you sell under this label or brand a food not listed in your application or discontinue a food which you did list.

10. Paragraph (c), section 27c, is amended to read as follows:

(c) Your application must be filed in duplicate with the OPS office for your area. You may not price under this section until you have received specific authority in writing from such OPS office to do so.

11. Paragraph (d), section 28, is amended to read as follows:

(d) Such application must be filed in duplicate with the OPS office for your area. You may not use these requested markup figures until you have received specific authorization from such OPS office. Applications for adjustment are governed by Price Procedural Regulation 1.

12. The first paragraph of paragraph (c), section 28c, is amended to read as follows:

(c) Such application must be filed with the OPS office for your area. You may not use these requested markup figures until you have received specific authorization from such OPS office. A form for this purpose may be obtained from the OPS office for your area. If your application is approved, you will be authorized by such OPS office to add to your "net cost" the percentage markups set forth below for the food commodities group which includes the items which you are pricing before applying the markup in Table A for institutional wholesalers. If, at any time, after you are authorized to use such additional markup, your method of distribution changes in any material respect, you must report immediately the circumstances to the OPS office for your area, and upon a review of the facts, if it be determined that you no longer conduct your business in the manner required by this section, this authority may be withdrawn.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective November 29, 1952.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 25, 1952.

[F. R. Doc. 52-12656; Filed, Nov. 25, 1952; 4:00 p. m.]

[Ceiling Price Regulation 69, Revision 1, Amdt. 7]

CPR 69—FOOD PRODUCTS SOLD IN THE TERRITORY OF HAWAII

MODIFYING POSTING REQUIREMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 7 to Ceiling Price Regulation 69, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

Ceiling Price Regulation 69, Revision 1, establishes ceiling prices for a number of food products sold in the Territory of Hawaii. Article III of the regulation establishes dollar-and-cent ceiling prices for pork derived from swine slaughtered in the Territory on the basis of the cost of live animals. Retailers of island pork are subject to section 1.7 of the regulation, as amended, which requires the posting of selling prices, although there is no specific reference to this requirement in Article III.

Article VII of CPR 69, Revision 1, establishes dollar-and-cent ceiling prices for the sale of beef and beef offal derived from bovine animals slaughtered in the Territory of Hawaii. Ceiling prices are established at both wholesale and retail levels of distribution. Section 7.8 of the regulation requires that retailers post conspicuously both ceiling and selling prices of the various cuts.

Informal compliance checks by OPS representatives in the Territory have revealed considerable variation in the manner of posting selling and ceiling prices under both section 1.7 and section 7.8 of CPR 69, Revision 1. No uniformity as to size, content or format of posters was evident.

In accordance with the OPS policy of consumer participation in the program of price stabilization, the Director has determined that it is necessary to amend CPR 69, Revision 1, in order (1) to clarify and simplify the posting requirements for the seller, and (2) to more readily apprise the purchasers of the ceiling prices of the various cuts of meat subject to CPR 69, Revision 1.

This amendment makes mandatory the use of official OPS posters upon which the various cuts of island beef and offal, and of pork offal and specialty items are listed together with the ceiling prices. The prices are those shown in section 3.1 (b) (2) and (3), section 7.4, and section 7.5, of CPR 69, Revision 1. Mainland beef and pork remain subject to Ceiling Price Regulation 9, Revision 1, and the ceiling prices of those products are in no way affected by this amendment.

In making provisions for these official posters, a new paragraph has been added to section 3.1 (b) (5), and section 7.8 has been modified to include specific requirements concerning their use and display. The addition of the new paragraph to section 3.1 (b) (5) clarifies the retailer's responsibility for posting ceiling prices by setting forth specific instructions for that section rather than requiring him to refer to section 1.7 of the regulation. The retailer's responsibility will be greatly simplified since he will be relieved of the duty of preparing his own poster.

The posters will provide uniformity in content, size, and form, and will permit the maximum participation by the consumer in the price control phase of the stabilization program.

Because of the nature of this amendment, and the fact that it imposes no new burdens on the sellers affected, formal consultation with the industry has been impracticable.

In the judgment of the Director, the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

1. Subparagraph 5 of paragraph (b) of section 3.1 of Ceiling Price Regulation 69, Revision 1, is amended to read as follows:

(5) *Reporting and posting*—(i) *Special reporting provision.* If you are a wholesaler, you must, with every sale of island pork, furnish the buyer a statement of the live cost to you of the pork you are selling, in addition to the reports required by section 1.10 of this regulation.

(ii) *Posting.* Every person offering to sell the pork offal and specialty pork items at retail for which ceiling prices are established in subparagraphs 2 and 3 of paragraph (b) of this section, shall plainly mark the selling price and name of the pork offal and specialty item either on the commodity itself, or on the tray or shelf on which it is displayed. In addition, you must, not later than seven days after you receive an official OPS poster, post such official poster in a prominent place in your establishment near the meat counter where it can easily be seen and read by your customers. In the event you do not receive an official poster, you must, not later than December 15, 1952, obtain an official poster from your OPS Territorial Office, and post your ceiling prices in accordance with this subparagraph. If a poster is mutilated or becomes badly soiled or otherwise damaged, it must be replaced by a new one which may be obtained from the OPS Territorial Office. Erasures or changes in ceiling prices listed on your poster are prohibited unless authorized by the OPS.

2. Section 7.8 is amended to read as follows:

SEC. 7.8. *Posting.* Every person offering to sell island beef at retail shall plainly mark the selling price, name of the cut, and class (i. e., Class I or Class II) of the island beef either on the commodity itself or on the tray or shelf on which it is displayed. In addition, you must, not later than seven days after you receive an official OPS poster, post such official poster in a prominent place in your establishment near the meat counter where it can easily be seen and read by your customers. In the event you do not receive an official poster, you must, not later than December 15, 1952,

obtain an official poster from your OPS Territorial Office, and post your ceiling prices in accordance with this section. If a poster is mutilated or becomes badly soiled or otherwise damaged, it must be replaced by a new one which may be obtained from the OPS Territorial Office. Erasures or changes in ceiling prices listed on your poster are prohibited unless authorized by the OPS.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 7 to Ceiling Price Regulation 69, Revision 1, is effective November 29, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 24, 1952.

[F. R. Doc. 52-12610; Filed, Nov. 24, 1952; 4:00 p. m.]

[Ceiling Price Regulation 74, Amdt. 18]

CPR 74—CEILING PRICES OF PORK SOLD AT WHOLESALE

SUSPENSION

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order 2, this Amendment 18 to Ceiling Price Regulation (CPR) 74 is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to Ceiling Price Regulation (CPR) 74 suspends price control of pork sold at wholesale, except for sales subject to CPR 14.

Pork products generally have been selling at wholesale considerably below ceiling prices, except for the ceiling prices established for certain sellers by CPR 14. The general level of wholesale selling prices of pork has been not only below the seasonally increased ceiling prices of Amendment 11 to CPR 74 but has been below the lower ceiling prices previously in effect. In fact, most cuts of pork have been selling below the pre-Korean level. Moreover, it is expected that wholesale prices of pork will continue to decline. Although some strengthening of pork prices may occur in January of 1953, due to a customary seasonal increase, it is not expected that wholesale pork prices will increase to a point where the dollars and cents ceiling prices which could lawfully be fixed by this regulation would be reached or exceeded in the foreseeable future. For these reasons, the Director of Price Stabilization deems it appropriate to suspend the ceiling prices established by this regulation. This suspension also operates to suspend ceiling prices for pork under Ceiling Price Regulation 61.

The Director of Price Stabilization is maintaining a constant watch on the prices of pork and also on the available supply of hogs. If at any time he finds that market prices threaten to equal or exceed the then current legal minimum prices he will revoke this suspension order and reinstate ceiling prices which reflect the appropriate legal minima.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all applicable standards of the Act. In the formulation of this amendment, the Director of Price Stabilization has consulted, so far as practicable, with industry representatives, including trade association representatives, and has given full consideration to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 74 is amended by adding a new Section 17 to read as follows:

SEC. 17. *Suspension.* As used in this section, "pork" means carcasses and meat derived from swine including but not limited to pork products. All provisions of this regulation are suspended on and after November 24, 1952. The suspension of the provisions of this regulation does not operate to place sales at wholesale of any product derived from swine under the General Ceiling Price Regulation. The suspension of the provisions of this regulation, moreover, includes suspension of those provisions which establish wholesale ceiling prices for pork under the General Ceiling Price Regulation or Ceiling Price Regulation 61. You must, however, continue to comply with all the requirements of section 11 of this regulation, and with all the requirements of section 16 of the General Ceiling Price Regulation, and with all the requirements of section 10 of Supplementary Regulation 47 to the General Ceiling Price Regulation, to the extent that each of these sections is applicable to all records you are required to preserve on November 24, 1952.

This suspension will continue unless and until the Director of Price Stabilization terminates or modifies it.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective on November 24, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 24, 1952.

[F. R. Doc. 52-12606; Filed, Nov. 24, 1952; 12:17 p. m.]

[General Overriding Regulation 10, Amdt. 6]

GOR 10—ADJUSTMENT OF CEILING PRICES FOR MANUFACTURERS

PLACE OF FILING APPLICATIONS FOR ADJUSTMENT OF CEILING PRICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 6 to General Overriding Regulation 10 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 10 is issued to carry out a plan for the extension of the authority of field offices to process applications filed under this regulation. Under the provisions of this amendment a manufacturer whose annual volume of net sales is $1,000,000 or less may file with the appropriate OPS District Office. However, if such a manufacturer distributes a substantial amount of the commodities he manufactures to persons located outside the OPS region in which his principal place of business is located, he should file his application with the Director of Price Stabilization, Washington 25, D. C.

This amendment also restores the requirement that applications should be sent by registered mail.

The wide coverage of this amendment has made it impracticable to consult with industry representatives, including trade association representatives.

AMENDATORY PROVISIONS

In section 3, the text preceding paragraph (a) is amended to read as follows:

SEC. 3. *Information to be submitted.* A manufacturer seeking an adjustment under this regulation should file his application with the OPS District Office for the district in which his principal place of business is located if his net sales for his last complete fiscal year amounted to $1,000,000 or less and he does not sell a substantial amount of his commodities manufactured in the plants covered by his application to persons located outside the OPS region in which his principal place of business is located. Other manufacturers should file their applications with the Office of Price Stabilization, Washington, 25, D. C. In either case, the application should be sent by registered mail and include the following:

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 6 to General Overriding Regulation 10 is effective November 29, 1952.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 25, 1952.

[F. R. Doc. 52-12655; Filed, Nov. 25, 1952; 4:00 p. m.]

[Ceiling Price Regulation 180]

CPR 180—FERROCHROME, CHROMIUM METAL AND OTHER CHROMIUM PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This interim regulation sets forth specific ceiling prices for ferrochrome, ferrochrome silicon, ferrosilicon chrome, chrome manganese silicon alloys, and chromium metal which increase present ceiling prices established under the General Ceiling Price Regulation (GCPR),

It also establishes premiums for spot sales and special packing. A producer of a chromium metallurgical product of a unique grade, size or analysis must apply to the Office of Price Stabilization for a ceiling price.

There are only five producers of the chromium products named above in the United States and one of these has only recently entered the field in a small way.

Ferrochromium is of extreme importance to the defense program. It is a basic ingredient of jet alloys and of the stainless steels necessary to aircraft manufacture. It is also a component of all heavy guns, tank armor, and tool steels, and is required in almost every military and defense-supporting application of alloy steel. Chromium (added as ferrochromium) has become an important substitute for such alloying elements as nickel and molybdenum.

Practically all chrome ore for the production of ferrochromium is imported. Ore prices which are not subject to ceiling price control and could not be controlled because of the foreign origin of the ore have materially increased since June, 1950. Furthermore, it has been necessary for the producers to import ores of lower quality to meet defense production needs. Lower quality of the ores has also contributed to production cost increases. The price of ferrochromium was frozen under GCPR at the November 1950 level and no increases have been permitted since that time, in spite of greatly increased costs of labor, transportation, power and overhead. These items of cost together with ore costs constitute about 85 percent of total costs and the increase in ore costs constitutes the major portion of the total increased costs.

Pre-Korean unit margins have been so materially reduced that incentive to make needed increases in production, to continue and enlarge the use of low grade ores, and to exert every effort to increase imports of, and develop new sources of chrome ore to meet the requirements of the defense program has markedly declined. The Administrator of the National Production Authority has advised OPS of the essentiality of the products covered by this regulation to the defense program and has emphasized the necessity of expanding the imports of chrome ore and the output of these products.

Section 3 (b) (2) of General Overriding Regulation 29 provides for ceiling price adjustments beyond the break-even level regardless of the profit position in special cases where this is necessary in the interests of national defense. This section reads in part as follows:

> (2) If the Director of Price Stabilization deems it necessary, in order to promote the national defense, he may establish an adjusted ceiling price which includes an amount over your "total unit operating cost", despite the fact that your "current rate of return on net worth" equals or exceeds 85 percent of your "average rate of return on net worth in your normal base period.

On the basis of the information received from the Administrator of NPA, the Director finds that ferrochrome qualifies under the criteria established in section 3 (b) (2) and that price adjustment adequate to maintain a reasonable profit over total unit operating costs is necessary in order to promote the national defense.

GOR 29 was intended to permit relief in appropriate cases to individual manufacturers. In the case of ferrochrome, however, there were, for many years, only four producers (a fifth has only recently entered the field) and the prices charged by the four have always been uniform. If varying degrees of relief were separately provided for each of these companies under the provisions of GOR 29, serious market disruption would be inevitable. Moreover, the conditions warranting relief are similar in the case of all these companies. Consequently, the Director of Price Stabilization has determined that it would be appropriate in this case to consider together all data presented and to issue a single regulation providing uniform relief for all producers.

In determining the amount of relief appropriate under provisions of section 3 (b) (2) of GOR 29, the general policy of OPS has been to restore as nearly as possible the dollar-and-cents margins per unit of product which prevailed before the Korean outbreak. This same standard has therefore been applied in the present case. Each of the four long established producers has submitted data showing the increase in its costs and prices since the period preceding the Korean outbreak, including the increases which have occurred as a result of the wage negotiations just concluded. While the cost increases shown are not entirely uniform, they are reasonably consistent. On the basis of the figures submitted, the Director of Price Stabilization has determined that an increase of 3¢ per pound of contained chromium in the ceiling prices of high carbon chromium products and of 4¢ per pound of contained chromium in the ceiling prices of low carbon chromium products is required to restore the general level of unit margins prevailing before Korea. While the cost increases for individual products do not in all cases conform with the general pattern, it is important as a practical matter to maintain, insofar as possible, the existing price relationships between the high carbon and low carbon products, and for this reason the increases have been applied uniformly within the two groups of products. In the judgment of the Director of Price Stabilization the adjustments provided in this interim regulation are such as to maintain appropriate price relationships while granting the over-all amount of relief required.

In the judgment of the Director of Price Stabilization the provisions of this ceiling price regulation are generally fair and equitable and are necessary to effectuate the purpose of the Defense Production Act of 1950, as amended.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability. In the judgment of the Director the provisions of this regulation comply with all of the requirements with respect to the establishment of ceiling prices set forth in the Defense Production Act of 1950, as amended.

In the formulation of this regulation there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

In particular, the Director has consulted at several meetings with the Industry Advisory Committee with respect to the trade practices and the coverage of this regulation and has, in general, adopted the recommendations of the committee.

The provisions of this ceiling price regulation and their effect upon business practices, cost practices, or means or aids to distribution in the industry have been considered. It is believed that no changes in such practices or methods have been effected. To the extent, however, that the provisions of this regulation may operate to compel changes in such practices or methods, such provisions are necessary to prevent circumvention or evasion of the regulation and effectuate the policies of the act.

REGULATORY PROVISIONS

Sec.

AUTHORITY: Sections 1 to 13 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.*—(a) *Commodities covered.* This regulation establishes ceiling prices for ferrochrome, ferrochrome silicon, ferrosilicon chrome, chrome manganese silicon alloys, and chromium metal. The terms ferrochrome, ferrochrome silicon, ferrosilicon chrome, chrome manganese silicon alloys, and chromium metal are defined in section 13, *Definitions.*

(b) *Persons and transactions covered.* (1) This regulation applies to all sales of the commodities covered by this regulation by a producer of such commodities including export sales and sales for export. It also covers sales of any commodity covered by this regulation purchased by any person who is also a producer of the commodity, including sales of imported commodities. To this extent this regulation supersedes CPR 31 (Imports). It does not apply to resellers who are not also producers of the commodity which they resell.

(2) This regulation also applies, insofar as purchases are concerned, to any person who, in the regular course of trade or business, buys the commodities covered by this regulation from a producer of these commodities.

(c) *Geographical applicability.* This regulation applies in the 48 States of the

United States, the District of Columbia, Alaska, Guam, Hawaii, Puerto Rico and the Virgin Islands.

SEC. 2. *Ceiling prices for high carbon ferrochrome, low carbon ferrochrome, ferrochrome silicon, ferrosilicon chrome, chrome manganese silicon alloys and chromium metal.* (a) Your ceiling price for contract sales of high carbon ferrochrome, low carbon ferrochrome, ferrochrome silicon, ferrosilicon chrome, chrome manganese silicon alloys and chromium metal, is the applicable ceiling price set forth in Appendix A, Table 1 for the grade, analysis, size and quantity shipped. The terms "contract sales" and "spot sales" are defined in section 13, *Definitions.*

(b) *Ceiling prices for high carbon chromium briquets, exothermic chromium products and chromium powders.* Your ceiling price for contract sales of high carbon chromium briquets, exothermic chromium products and chromium powders is the applicable ceiling price set forth in Appendix A, Table 2 for the grade, analysis, and size and quantity shipped.

(c) *Premiums.* The premiums which may be added to the ceiling prices set forth in Appendix A, Tables 1 and 2 for spot sales, special packing for export shipment and packing in smaller than standard containers, are set forth in Appendix A, Table 3.

SEC. 3. *Applications for establishment of ceiling prices.* (a) If you sell any of the commodities covered by this regulation and cannot determine a ceiling price under section 2, you must file an application with OPS for the establishment of a ceiling price. Any such application must be signed by an authorized person, and must be filed by registered mail, return receipt requested, with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., and must contain the following information: Your trade name and address; a metallurgical analysis and physical description of the commodity you propose to sell; a statement of the reasons why you are unable to determine a ceiling price under the provisions of this regulation; your proposed ceiling price and a statement of how you determined such price, and why you believe it is in line with the ceiling prices otherwise established by this regulation.

(b) Any ceiling price established by OPS pursuant to this section will be in line with the ceiling prices otherwise established by this regulation.

(c) After receipt of an application pursuant to this section, OPS may approve or disapprove your proposed ceiling price, establish a different ceiling price, or request additional information. Pending any such action, you may sell the commodity covered by your application at your proposed ceiling price: *Provided,* That you agree with the purchaser to refund the amount, if any, by which your proposed ceiling price exceeds the ceiling price established by OPS. If OPS has not acted upon your application within 30 days of the receipt thereof, your proposed ceiling price shall be deemed to be established for all deliveries made between the date of filing of your application and the date of any order issued by OPS disposing of your application.

(d) If you are required to file an application pursuant to this section and do not do so, OPS may issue an order establishing ceiling prices for you. Any ceiling price set forth in any such order will be in line with the ceiling prices otherwise established in this regulation and will apply to all deliveries for which a ceiling price was not otherwise established by this regulation, including deliveries completed prior to the date of the order. The issuance of such an order will not relieve you of your obligation to comply with the requirements of this regulation or of the various penalties for your failure to do so.

SEC. 4. *Customary terms of sale.* You must adjust the ceiling prices determined in accordance with section 2 of this regulation to reflect all cash discounts which you had in effect on January 25, 1951, and such price must carry all guarantees, servicing terms, and other applicable conditions of sale which you had in effect on that date. You may make a charge for extension of credit to a buyer if you customarily made such a charge during the period December 19, 1950, to January 25, 1951, but the amount of such charge must not be greater than that which you had in effect on that date.

SEC. 5. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Price Procedural Regulation No. 1, Revised.

SEC. 6. *Adjustable pricing.* Nothing in this regulation shall be construed to prohibit any person making a contract or offer to sell a product covered by this regulation at (a) the ceiling price in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. No person, however, may deliver or agree to deliver such product at a price to be adjusted upward in accordance with any increase in a ceiling price after delivery.

SEC. 7. *Excise, sales and similar taxes.* You may collect in addition to the ceiling price established by this regulation, any excise, sales or similar tax imposed upon you by reason of your sale of any product covered by this regulation if you are not prohibited by law from making such collection and if you state separately from your selling price the amount of the tax collected and provided such separate statement and collection of the amount of the tax is not prohibited by law. However, if the tax was in effect on January 25, 1951, and you did not charge your customers for the tax during the period December 19, 1950, to January 25, 1951, you may not do so now.

SEC. 8. *Record-keeping requirements.* (a) (1) If you make sales covered by this regulation, you shall preserve for examination by the Office of Price Stabilization for as long as the Defense Production Act of 1950, as amended, remains in effect and for two years thereafter, all your existing records which you are required to use in adjusting your ceiling prices pursuant to section 4.

(2) Every seller covered by this regulation, and every person who, in the course of trade or business, buys from such seller, must prepare and keep for inspection by the Director of Price Stabilization for a period of two years accurate records or invoices of each sale of the commodities covered by this regulation showing: The date of sale; the name and address of the seller and buyer; the commodity sold, as described in the nomenclature used in this regulation; the quantity of each such commodity; the price charged for each such commodity; the point or points of shipment and the buyer's receiving point, and the amount of the transportation charges, if any, and by whom they were paid.

(3) Every seller covered by this regulation shall deliver to the purchaser at the time of any sale of a commodity covered by this regulation an invoice which shall set forth the information required by paragraph (a) (1).

(b) Retention by the buyer of an invoice issued in connection with the sale of a commodity covered by this regulation will be considered compliance with the provisions of this section if the invoice contains all the information required by paragraph (a) of this section.

SEC. 9. *Interpretations.* If you want an official interpretation of this regulation, you should write to the Division Counsel, Industrial Materials and Manufactured Goods Division, Washington 25, D. C. Any action taken in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, Revised.

SEC. 10. *Prohibitions.* (a) No person shall do any act prohibited or omit to do any act required by this regulation, nor shall any person offer, solicit, attempt, or agree to do or omit to do any such acts.

(b) Specifically (but not in limitation of the above), no person shall, regardless of any contract or other obligation, sell, deliver, or negotiate the sale or delivery of any product, and no person in the regular course of trade or business shall buy or receive any product, at a price higher than the ceiling price established by this regulation. Every person covered by this regulation shall keep, make and preserve true and accurate records and reports, required by this regulation. If any person violates any provisions of this regulation, he is subject to criminal penalties, enforcement action, and action for damages.

SEC. 11. *Evasions.* (a) Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation or in concealing or falsely representing information as to which this regulation requires records to be kept is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, fees, services, cross sales, transportation arrangements, premiums,

discounts, special privileges, upgrading, tie-in agreements and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

(b) No seller shall require a purchaser to subdivide a requirement into small or partial orders nor shall a purchaser subdivide his requirements into small or partial orders for the purpose of enabling the seller to obtain a higher unit price.

SEC. 12. *Supplementary regulations.* The Director of Price Stabilization may issue supplementary regulations modifying or supplementing this regulation as he deems appropriate.

SEC. 13. *Definitions.* (a) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing; the United States or any agency thereof; or any other government or any of its political subdivisions, or any agency of the foregoing.

(b) "Contract sale" means a sale pursuant to a written agreement whereby the producer agrees to deliver, within a specified period, a specified amount or a certain percentage of the purchaser's requirements.

(c) "Spot sale" means a single or isolated sale other than a contract sale.

(d) "You" means any person covered by this regulation.

(e) "Imported" means transported from a place outside of the United States, Alaska, Guam, Hawaii, Puerto Rico or the Virgin Islands to a point inside thereof.

(f) "Export sale" means the sale of a commodity to a person located outside the continental United States or a territory or possession of the United States and which is shipped to the purchaser outside the continental United States or a territory or possession of the United States, regardless of where the invoicing is done.

(g) "Sale for export" means a sale to a buyer located in the continental United States or a territory or possession of the United States of a commodity destined for export and subsequent shipment, without resale, to any place outside the continental United States or a territory or possession of the United States.

(h) "OPS" means the Office of Price Stabilization.

(i) "Carload" means any quantity to which a minimum railroad carload freight rate is applicable.

(j) "Shipping point" means the point from which any product covered by this regulation is loaded on a conveyance for shipment to the buyer's receiving point.

(k) "Commodity" means any product which is covered by this regulation.

(l) "Producer" means any person engaged in any phase of the manufacture of the commodity being priced, including smelting, cleaning, sizing, briquetting.

(m) "Reseller" means any person who purchases a product or products covered by this regulation of which he is not a producer and resells such product or products in substantially the same form or condition.

(n) "Ferrochrome" means an iron chromium alloy containing 50 percent to 72 percent chromium, including high carbon ferrochrome and low carbon ferrochrome.

(o) "High carbon ferrochrome", "low carbon ferrochrome", "chrome manganese silicon alloys", "ferrochrome silicon", "ferrosilicon chrome", "chromium metal", "electrolytic chromium metal", "high carbon chromium briquets", "exothermic ferrochrome", "exothermic silicon chrome" mean those chromium commodities conforming to one of the analyses set forth in Appendix A, Tables 1 and 2.

Effective date. This regulation is effective November 25, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 24, 1952.

APPENDIX A

All prices in Tables 1 and 2 are: (1) Contract prices, (2) cents per pound of contained chromium, except where otherwise indicated, (3) f. o. b. delivered or f. o. b. shipping point with actual freight allowed, to any destination within the continental United States excluding Alaska, except for chromium powders which are f. o. b. shipping point. Packed prices include packing in standard containers holding 500 pounds or more of material except chromium briquets which are packed in standard containers holding 250 pounds or more of material, chromium powders which are packed as indicated in Table 2 and exothermic ferrochrome, exothermic ferrosilicon chrome, and electrolytic chromium metal which are packed in containers customarily used by the shipper.

TABLE 1

Product, grade, analysis and quantities	Carbon content	Sizes			
		Lump	2 inches x down	1 inch x down	8 mesh x down
Low carbon ferrochrome regular grade (67 to 72 percent chromium)					
Carload lots—bulk	0.03 percent maximum.	$0.3650	$0.3675	$0.3700	
Carload lots—packed		.3760	.3785	.3810	
2,000 pounds to carload—packed		.3870	.3895	.3920	
Less than 2,000 pounds—packed		.4040	.4065	.4090	
Carload lots—bulk	0.04 percent maximum.	.3550	.3575	.3600	
Carload lots—packed		.3660	.3685	.3710	
2,000 pounds to carload—packed		.3770	.3795	.3820	
Less than 2,000 pounds—packed		.3940	.3965	.3990	
Carload lots—bulk	0.06 percent maximum.	.3450	.3475	.3500	
Carload lots—packed		.3560	.3585	.3610	
2,000 pounds to carload—packed		.3670	.3695	.3720	
Less than 2,000 pounds—packed		.3840	.3865	.3890	
Carload lots—bulk	0.10 percent maximum.	.3400	.3425	.3450	$0.3625
Carload lots—packed		.3510	.3535	.3560	.3735
2,000 pounds to carload—packed		.3620	.3645	.3670	.3895
Less than 2,000 pounds—packed		.3790	.3815	.3840	.4105
Carload lots—bulk	0.15 percent maximum.	.3375	.3400	.3425	
Carload lots—packed		.3485	.3510	.3535	
2,000 pounds to carload—packed		.3595	.3620	.3645	
Less than 2,000 pounds—packed		.3765	.3790	.3815	
Carload lots—bulk	0.20 percent maximum.	.3350	.3375	.3400	
Carload lots—packed		.3460	.3485	.3510	
2,000 pounds to carload—packed		.3570	.3595	.3620	
Less than 2,000 pounds—packed		.3740	.3765	.3790	
Carload lots—bulk	0.50 percent maximum.	.3325	.3350	.3375	
Carload lots—packed		.3435	.3460	.3485	
2,000 pounds to carload—packed		.3545	.3570	.3595	
Less than 2,000 pounds—packed		.3715	.3740	.3765	
Carload lots—bulk	1.00 percent maximum.	.3300	.3325	.3350	
Carload lots—packed		.3410	.3435	.3460	
2,000 pounds to carload—packed		.3520	.3545	.3570	
Less than 2,000 pounds—packed		.3690	.3715	.3740	
Carload lots—bulk	1.50 percent maximum.	.3285	.3310		
Carload lots—packed		.3395	.3420		
2,000 pounds to carload—packed		.3505	.3530		
Less than 2,000 pounds—packed		.3675	.3700		
Carload lots—bulk	2.00 percent maximum.	.3275	.3300	.3325	
Carload lots—packed		.3385	.3410	.3435	
2,000 pounds to carload—packed		.3495	.3520	.3545	
Less than 2,000 pounds—packed		.3665	.3690	.3715	
Nitrogen bearing grade[1] *(67 to 71 percent chromium, 0.30 to 100 percent silicon, 0.75 percent nitrogen approximate)*					
Carload lots—bulk	0.10 percent maximum.	.3900	.3925		
Carload lots—packed		.4010	.4035		
2,000 pounds to carload—packed		.4120	.4145		
Less than 2,000 pounds—packed		.4290	.4315		
Foundry grade[2] *(50 to 54 percent chromium, 28 to 32 percent silicon)*					
Carload lots—bulk	1.25 percent maximum.				.1760
Carload lots—packed					.1835
2,000 pounds to carload—packed					.1920
Less than 2,000 pounds—packed					.2040

[1] Prices are $0.05 higher for each 0.25 percent of nitrogen or fraction thereof above 0.87 percent.
[2] Prices are per pound of material.

TABLE 1

Product, grade, and analysis	Size	Quantity							
		Bulk, carload lots		Packed					
				Carload lots		2,000 pounds to carload		Less than 2,000 pounds	
		Chromium	Silicon	Chromium	Silicon	Chromium	Silicon	Chromium	Silicon
Low carbon ferrochrome silicon and ferrosilicon chrome									
Regular Grade No. 1:[1] (33 to 42 percent chromium, 40 to 50 percent silicon, 0.03 percent carbon maximum).	Lump	$0.2875	$0.1240	$0.2940	$0.1360	$0.3015	$0.1460	$0.3135	$0.1560
	4 inches x down	.2875	.1240	.2940	.1360	.3015	.1460	.3135	.1560
	2 inches x down	.2875	.1240	.2940	.1360	.3015	.1460	.3135	.1560
	1 inch x down	.2890	.1260	.2955	.1380	.3035	.1485	.3165	.1590
	½ inch x down	.2910	.1280	.2975	.1400	.3055	.1505	.3190	.1615
	8 mesh x down	.2935	.1305	.3000	.1425	.3090	.1535	.3250	.1645
	20 mesh x down	.2970	.1320	.3035	.1440	.3125	.1550	.3285	.1660
Regular grade No. 2:[1] (33 to 42 percent chromium, 40 to 50 percent silicon, 0.05 percent carbon maximum).	Lump	.2575	.1240	.2640	.1360	.2715	.1460	.2835	.1560
	4 inches x down	.2575	.1240	.2640	.1360	.2715	.1460	.2835	.1560
	2 inches x down	.2575	.1240	.2640	.1360	.2715	.1460	.2835	.1560
	1 inches x down	.2590	.1260	.2655	.1380	.2730	.1485	.2860	.1590
	¾-inch x down	.2610	.1280	.2675	.1400	.2755	.1505	.2890	.1615
	½-inch x down	.2610	.1280	.2675	.1400	.2755	.1505	.2890	.1615
	8 mesh x down	.2635	.1305	.2700	.1425	.2790	.1535	.2950	.1645
	20 mesh x down	.2670	.1320	.2735	.1440	.2825	.1550	.2985	.1660
Special grade with aluminum:[2] (36 to 39 percent chromium, 36 to 39 percent silicon, 7 to 9 percent aluminum, 0.05 percent carbon maximum).	3 inches x down	.2575	.1240	.2640	.1360	.2715	.1460	.2835	.1560
	¾-inch x down	.2610	.1280	.2675	.1400	.2755	.1505	.2890	.1615
Special grade No. 1: (48 to 52 percent chromium, 25 to 30 percent silicon, 1.50 percent carbon maximum).	Lump	.3250	----	.3360	----	.3470	----	.3640	----
	2 inches x down	.3275	----	.3385	----	.3495	----	.3665	----
	8 mesh x down	.3315	----	.3425	----	.3575	----	.3770	----
Special grade No. 2:[3] (50 to 54 percent chromium, 28 to 32 percent silicon, 1.25 percent carbon maximum).	3 inches x ½-inch	.3250	----	.3400	----	----	----	----	----

[1] Prices are cents per pound of contained chromium and contained silicon.
[2] Prices are cents per pound of contained chromium and contained silicon plus aluminum, the latter are shown in total in "Silicon" columns.
[3] Known as ferrosilicon chrome.

TABLE 1

Product, grade, analysis, and quantities	Carbon content	Sizes						
		Lump	4 inch x down	2 inch x down	1 inch x down	½ inch x down	8 mesh x down	20 mesh x down
High carbon ferrochrome regular grade (65 to 72 percent chromium)								
Carload lots—hulk	4 percent minimum.	$0.2475	$0.2475	$0.2505	$0.2525	$0.2545	$0.2570	$0.2605
Carload lots—packed		.2565	.2565	.2595	.2615	.2635	.2660	.2695
Truckload bulk—20,000 pounds minimum.		.2545	----	.2575	.2590	----	----	----
2,000 pounds to carload—packed		.2680	.2680	.2710	.2730	.2750	.2785	.2820
Less than 2,000 pounds—packed		.2820	.2820	.2850	.2870	.2890	.2950	.2985
Foundry grade (60 to 66 percent chromium, 6 to 10 percent silicon)								
Carload lots—hulk	4 to 7 percent	.2560	----	.2560	----	----	.2625	.2635
Carload lots—packed		.2650	----	.2650	----	----	.2715	.2725
2,000 pounds to carload—packed		.2770	----	.2770	----	----	.2850	.2860
Less than 2,000 pounds—packed		.2920	----	.2920	----	----	.3025	.3035
Special grade (50 to 65 percent chromium, 4 to 6 percent silicon)								
Carload lots—hulk	4 to 9 percent	.2475	----	----	----	----	----	----
Carload lots—packed		.2565	----	----	----	----	----	----
2,000 pounds to carload—packed		.2680	----	----	----	----	----	----
Less than 2,000 pounds—packed		.2820	----	----	----	----	----	----

TABLE 1

Product, grade, analysis, and quantities	Carbon content	Sizes				
		Lump	2 inches x down	½ inch x down	8 mesh x down	20 mesh x down
Chrome manganese silicon alloys						
"SM "grade ferrochrome: (60 to 65 percent chromium, 4 to 6 percent silicon, 4 to 6 percent manganese).						
Carload lots—bulk	4 to 6 percent	$0.2585	$0.2615	----------	$0.2680	$0.2715
Carload lots—packed	4 to 6 percent	.2675	.2705	----------	.2770	.2805
2,000 pounds to carload—packed	4 to 6 percent	.2800	.2830	----------	.2905	.2940
Less than 2,000 pounds—packed	4 to 6 percent	.2950	.2980	----------	.3080	.3115
V—Foundry alloy: [1] (28 to 42 percent chromium, 15 to 21 percent silicon, 8 to 16 percent manganese).						
Carload lots—packed	3 to 4 percent	----------	----------	----------	.1660	----------
2,000 pounds to carload—packed	3 to 4 percent	----------	----------	----------	.1810	----------
Less than 2,000 pounds—packed	3 to 4 percent	----------	----------	----------	.1935	----------

[1] Prices are per pound of material.

TABLE 1

Product, grade, and analysis	Size	Quantity packed			
		Carload lots	2,000 pounds to carload	Less than 2,000 pounds	Any quantity
Chromium metal					
High carbon grade: (87 to 90 percent chromium, 1.25 percent iron maximum, 9 to 11 percent carbon).	½ inch x down	$1.09	$1.11	$1.15	----------
Low carbon grade No. 1: [1] (97 percent chromium minimum, 1.00 percent iron maximum, 0.10 percent carbon maximum).	1 inch x down	1.16	1.18	1.20	----------
	¼ inch x down	1.17	1.20	1.24	----------
	8 mesh x down	1.18	1.21	1.25	----------
	20 mesh x down	1.19	1.22	1.26	----------
Low carbon grade No. 2: (97 percent chromium minimum, 1.00 percent iron maximum, 0.50 percent carbon maximum).	1 inch x down	1.12	1.14	1.16	----------
	¼ inch x down	1.13	1.16	1.20	----------
Electrolytic metal: [2] (99 percent chromium maximum).	¾ inch x down	----------	----------	----------	$3.04
	100 mesh x down	----------	----------	----------	3.54
	200 mesh x down	----------	----------	----------	4.04
	325 mesh x down	----------	----------	----------	4.54

[1] Prices for nitrogen-bearing grade are $0.09 higher in all quantities for approximately 0.75 percent nitrogen, plus an additional $0.09 for each 0.25 percent of nitrogen or fraction thereof above 0.87 percent.
[2] Prices are per pound of material.

TABLE 2—CHROMIUM BRIQUETS, EXOTHERMIC CHROMIUM PRODUCTS, AND CHROMIUM POWDERS

Product, grade, analysis, and quantities	Plain	Notched
High carbon chromium briquets: [1]		
3⅜ pounds (total weight), 2 pounds contained chromium:		
Carload lots—bulk	$0.1625	$0.1650
Carload lots—packed	.1695	.1720
Truckload—bulk, 20,000 pounds minimum	.1690	.1715
2,000 pounds to carload—packed	.1775	.1800
Less than 2,000 pounds—packed	.1865	.1890
Exothermic ferrochrome: (Approximately 60 percent chromium, 4.5 percent carbon, maximum); size, 2½ x 2½ x 1¾ inches:		
Carload lots—packed	.2750	----------
2,000 pounds to carload—packed	.3050	----------
Less than 2,000 pounds—packed	.3250	----------
Exothermic silicon chrome: (Approximately 46 percent chromium, approximately 23 percent silicon, 1.00 percent carbon, maximum); size, 2½ x 2½ x 1¾ inches:		
Carload lots—packed	.3500	----------
2,000 pounds to carload—packed	.3850	----------
Less than 2,000 pounds—packed	.4050	----------

Chromium powders:				
Product	High carbon ferrochrome		Low carbon ferrochrome	Chromium metal
Package	Paper bags, 100 pounds net		Steel pails, 150 pounds net	Steel pails, 150 pounds net
Size	50/325 mesh	100 mesh x down	50/325 mesh	90% through 100 mesh
1 ton to carload	----------	----------	$0.5275	$1.49
Less than 1 ton	----------	----------	----------	1.54
500 pounds to 1 ton	----------	----------	.5575	----------
Less than 500 pounds	----------	----------	.6275	----------
1,000 to 10,000 pounds	$0.3425	$0.3580	----------	----------
Less than 1,000 pounds	.3650	----------	----------	----------

[1] Prices are per pound of material.

TABLE 3—PREMIUMS

Premiums must be applied on the same price basis as that on which material is sold, e. g., per pound of contained chrome, per pound of material, etc.

Product	Spot sales	Packing						
		Smaller than standard containers		For export				
	(1)	500 to 250 pounds of material	Under 250 pounds of material	50-gallon oak barrels	25-gallon oak barrels	50-gallon steel drums	30-gallon steel drums	Triple burlap bags
Low carbon chrome—regular grade	$0.0025	$0.0075	$0.0150	$0.0030	$0.0065	$0.0025	0$.0050	
Low carbon chrome—nitrogen bearing grade	.0025	.0075	.0150	.0030	.0065			
Low carbon chrome—foundry grade	.0025	.0050	.0100	.0020	.0045			
High carbon chrome—regular grade	.0025	.0075	.0150	.0030	.0065	.0025	.0050	
High carbon chrome—foundry grade	.0025	.0080	.0160	.0030	.0070	.0025	.0050	
High carbon chrome—special grade	.0025	.0075	.0150					
Low carbon ferrochrome silicon—regular grade	[2].0050	.0100	.0200	.0045	.0100	.0050	.0100	
Low carbon ferrochrome silicon—special grade No. 1	[2].0050	.0100	.0200	.0040	.0085			
Low carbon ferrochrome silicon—special grade No. 2		.0100	.0200			.0050	.0100	
Low carbon ferrochrome silicon—special grade with aluminum	[3].0050	.0100	.0200	.0045	.0100			
Chromium briquets	.0025		.0025			.0025	.0050	$0.0025
Exothermic ferrochrome	.0025							
Exothermic silicon chrome	.0050							
Chromium metal—all grades	.0500	.0055	.0110	.0020	.0045			
Electrolytic chromium metal								
Chrome manganese silicon alloy—SM grade	.0025	.0080	.0160	.0030	.0070			
Chrome manganese silicon alloy—V foundry grade		.0050	.0100					
High carbon ferrochrome powders	.0050							
Low carbon ferrochrome powders	.0100							
Chromium metal powders	.0100							

[1] Shipments under 100 pounds are f. o. b. shipping point.
[2] Added to silicon price only.
[3] Added to silicon plus aluminum price only.

[F. R. Doc. 52-12612; Filed, Nov. 24, 1952; 4:00 p. m.]

[Ceiling Price Regulation 135, Revision 1 of Supplementary Regulation 2]

CPR 135—BAKERS, WHOLESALE AND RETAIL DISTRIBUTORS OF FROZEN AND PERISHABLE BAKERY ITEMS

SR 2—INTERIM RELIEF FOR MILWAUKEE BAKERS

ADJUSTMENT OF MILWAUKEE BAKERS' CEILING PRICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency Order No. 2, this Revision of Supplementary Regulation 2 to Ceiling Price Regulation 135 is hereby issued.

STATEMENT OF CONSIDERATIONS

This revision of Supplementary Regulation (SR) 2 to Ceiling Price Regulation (CPR) 135 provides an across-the-board adjustment of ceiling prices of bakers located in the Milwaukee area.

When SR 2 was issued, this office announced that further study and consideration would be given to the substantial hardship experienced by the Milwaukee bakers under CPR 135, and that if appropriate, additional adjustments in ceiling prices would be made.

Findings made on the basis of data obtained from an OPS earnings survey of Milwaukee bakers indicate that the previous one cent adjustment in ceiling prices of the one-and-one-half pound loaf of white pan bread has been insufficient to eliminate undue hardship, and that a more extensive adjustment is required.

Even with the one cent white pan bread adjustment and the increases over GCPR ceiling prices under CPR 135, the earnings survey data show that Milwaukee bakers generally will be obliged to operate at a loss under their CPR 135 ceiling prices. The Director has, therefore, decided to relieve the area hardship by an across-the-board increase in Milwaukee bakers' ceiling prices for all items other than the one-and-one-half pound loaf of white pan bread. This is done by providing a factor of 1.20 for increasing 1949 prices instead of the CPR 135 factor of 1.16. The percent increases over 1949 prices now provided will permit Milwaukee bakers generally to earn net profits which, before taxes and with adjustments in net worth, will equal 50 percent of their average net profits during the best three years of the period 1946–49. The 50 percent earnings standard used in arriving at an earnings target to which adjustments are made is substantially lower than the 85 percent standard applied under CPR 135 in setting a level of ceiling prices for the entire baking industry. Application of a standard allowing greater adjustments would, however, result in raising the level of ceiling prices for the baking industry generally beyond the earnings level used in justifying the substantial adjustments in industry ceiling prices under CPR 135.

The one cent adjustment previously granted to Milwaukee bakers for their one-and-one-half pound loaf of white pan bread remains in effect under this revised supplementary regulation.

Bakers selling bread and bread-type roll items in the Milwaukee area, but with plants located elsewhere, may, of course, apply for inter-market adjustments in their Milwaukee area ceiling prices under section 2.13 of CPR 135.

All other pricing provisions of CPR 135 are incorporated by reference under this supplementary regulation.

In the formulation of this revised supplementary regulation there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

In the judgment of the Director of Price Stabilization, the provisions of this revised supplementary regulation are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Ceiling prices.
3. General applicability of Ceiling Price Regulation 135.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154.

SECTION 1. *What this supplementary regulation does.* (a) This supplementary regulation establishes ceiling prices for sales of bakery items by bakers located in the "Milwaukee area".

(b) "Milwaukee area" means the following counties in the state of Wisconsin: Fond du Lac, Sheboygan, Dodge, Washington, Ozaukee, Jefferson, Waukesha, Milwaukee, Racine, Kenosha, Walworth, and Rock.

SEC. 2. *Ceiling prices.* If you are a baker located in the Milwaukee area your ceiling prices for sales of bakery items are as follows:

(a) *One-and-one-half pound white pan bread.* Your ceiling price for any 1½ pound white pan bread item to your largest buying class of purchasers is your ceiling price under Ceiling Price Regulation 135 to the same class of purchasers plus $.01.

(b) *Other items sold during 1949.* Calculate your ceiling price for any other item sold during 1949 by following the directions set forth in section 2.1 of Ceiling Price Regulation 135 except that you apply the factor of 1.20 instead of the factor of 1.16.

(c) *Items not sold during 1949; sales to new classes of purchasers; adjustments in ceiling prices.* Follow the instructions set forth in the applicable provisions of Ceiling Price Regulation 135 if: (1) you are unable to calculate your ceiling price for an item under paragraph (b) of this section because you did not sell the item during 1949, or you were not in business during 1949 or you propose to sell the item to a new class of purchaser; or (2) you wish to make or apply for any adjustment or make calculations of ceiling prices provided under sections 2.5–2.10 and sections 2.12 and 2.13 of Ceiling Price Regulation 135.

SEC. 3. *General applicability of Ceiling Price Regulation 135.* All provisions of Ceiling Price Regulation 135 which

are not inconsistent with the provisions of this supplementary regulation remain in full force and effect under this regulation.

Effective date. This supplementary regulation becomes effective November 29, 1952.

NOTE: The record-keeping and reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 24, 1952.

[F. R. Doc. 52-12611; Filed, Nov. 24, 1952; 4:00 p. m.]

[Distribution Regulation 1, Revision 1, Amdt. 5]

DR 1—FAIR DISTRIBUTION OF LIVESTOCK AND MEAT

RELAXATION OF REGISTRATION REQUIREMENTS AND OTHER CHANGES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Amendment 5 to Distribution Regulation 1, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment modifies substantially the registration requirements for livestock slaughterers and eliminates most other restrictions imposed by Distribution Regulation 1, Revision 1 (DR 1).

DR 1 has substantially confined registration to persons who operated in the slaughtering business during the base period from January 1, 1950, to February 9, 1951. However, a gradual relaxation of this program has been possible. Apart from legislative mandates, the Office of Price Stabilization has during the past several months been able to modify the program by permitting registration of slaughterers who kill livestock for farmers only, by suspending its reporting requirements, and by broadening its provisions for relief from hardship.

At the present time, livestock supplies have improved considerably. It also appears that a peak in defense production has almost been reached and that current increases in the country's livestock population have kept abreast of increases in consumer demand, as reflected in the softening of prices in several types of livestock and meat. At the same time, these improved conditions no longer justify the substantially complete exclusion of new commercial slaughterers.

It remains necessary, however, to obtain information about the country's slaughtering activities to prepare for any possible increase in the national emergency. Also, it is necessary at this time to maintain the requirement that each slaughterer mark his registration number on all accessible wholesale cuts of meat for the purposes of identification. In view of these needs, DR 1 will not be suspended entirely.

Instead, a limited registration program will be continued. All substantive standards governing entries into the slaughtering business have been removed. Hereafter, there will be open entry into that business, subject to the requirement of prior notification to the appropriate OPS office, receipt of a registration number, and the requirement of marking all accessible wholesale cuts with that number. No reporting requirements are presently in effect, and the amendment reduces substantially the record-keeping requirements. All pertinent sections of this regulation are amended to reflect this change in policy.

At the same time, other sections are amended to delete parts which have become obsolete or suspended, or which are otherwise surplus to the needs of the relaxed registration program.

If the situation should change in the future with regard to the size of the defense effort, the supply of livestock coming to market, or other developments adversely affecting the stabilization program, it may be necessary again to tighten requirements for registration.

In the formulation of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title I of the Defense Production Act of 1950, as amended, are appropriate to promote the national defense and conform with all applicable standards of that act.

AMENDATORY PROVISIONS

Distribution Regulation 1, Revision 1, is amended in the following respects:

1. Section 3 is deleted.

2. Section 5 (e) is amended to read as follows:

(e) *Class 3 farm slaughterers.* If you operate a farm on which you reside for more than six months a year, or if you actually raise or superintend the raising of your own livestock on your own premises from its birth or at least ninety days immediately before slaughter, and if you transfer during a calendar year no more than 6,000 pounds of meat resulting from the slaughter of your livestock, you are a Class 3 farm slaughterer. The transfer of meat includes the selling, giving, exchanging, lending, delivering, or consigning of meat unless the meat is for your own consumption.

3. Section 6 is amended to read as follows:

SEC. 6. *Prohibition against slaughtering without registration.* You may not slaughter livestock or have it slaughtered for you unless you are a registered Class 1, Class 2, Class 1A or Class 2A slaughterer, or unless you are a Class 3 farm slaughterer or slaughter "Club" or "Show" livestock under the terms of section 12 of this regulation.

4. Section 7 (b) is amended by deleting paragraph 7 (b) (2) and by changing the first sentence of the section to read as follows: "If you have received and retained a signed copy of Form DO 1-4 from a Class 1 slaughterer covering 1950 slaughter of livestock for you and have returned a signed copy of that form to that slaughterer, and if you have filed a copy of Form DO 1-4 or a statement of your slaughter bases with the National Office of the Office of Price Stabilization before December 1, 1952, you are a registered Class 1A slaughterer at that Class 1 slaughtering establishment."

5. Section 7 (c) is amended by deleting paragraph 7 (c) (2) and by changing the first sentence of the section to read as follows: "If you have received and retained a signed copy of Form DO 1-5 from a Class 2 slaughterer covering 1950 slaughter of livestock for you and have returned a signed copy of that form to that slaughterer, and if you have filed a copy of Form DO 1-5 with the appropriate office of the Office of Price Stabilization before December 1, 1952, you are a registered Class 2A slaughterer at that Class 2 slaughtering establishment."

6. Section 8 (a) is amended by deleting subsections (2) and (5) and redesignating subparagraphs (3) and (4) as sections 8 (a) (2) and 8 (a) (3), respectively.

7. The redesignated section 8 (a) (3) is amended to read as follows:

(3) You may not slaughter livestock for a Class 1A or Class 2A slaughterer for whom you did not slaughter livestock in 1950 (as shown on your Form DO 1-3), except as provided for in sections 9 (b), 12, 14, or 16 (transfers, "Club" and "Show" livestock, and new registrations).

8. Section 9 is amended by deleting subsections 9 (a) (2) and 9 (b) and the numeral (1) in subsection 9 (a) (1), and by redesignating subparagraph 9 (c) as section 9 (b).

9. The redesignated section 9 (b) is amended to read as follows:

(b) If you want to transfer your operations to another registered establishment, you may apply to the OPS office where you are registered for permission to transfer your registration. Permission will be granted if your application includes:

(1) The name and address of the Class 1 or Class 2 slaughterer who formerly slaughtered for you.

(2) The name and address of the Class 1 or Class 2 slaughterer whom you wish to perform slaughtering for you.

(3) A statement from the slaughterer to whose establishment you wish to transfer indicating that he is willing to slaughter for you.

You may transfer your operations after approval of the OPS and a new registration number have been obtained. Thereafter your operations at the establishment of your new slaughterer shall be subject to all applicable provisions of this regulation.

10. Section 10 is amended to read as follows:

SEC. 10. *Class 3 farm slaughterers.*—(a) *Right to slaughter.* As a Class 3 farm slaughterer, you may slaughter your own livestock or have it slaughtered for you by any registered Class 1 or Class 2 slaughterer either for your own consumption or for transfer of the resulting meat, provided that your total transfer of such meat obtained through Class 3 slaughter does not exceed 6,000 pounds during any calendar year.

(b) *Statements by Class 3 farm slaughterers.* Class 1 or Class 2 slaughterers may not slaughter livestock for you unless you have given them a dated and signed statement containing:

(1) A statement that you are a Class 3 farm slaughterer as defined in section 5 (e);

(2) The address of your farm or the place where the livestock was raised; and

(3) A description of the livestock to be slaughtered, by species, number of head, and live weight.

(c) *Tagging Requirements.* A tag, containing your name and address and the words "Class 3 farm slaughterer", must be attached to each leg of every carcass and to each wholesale cut transferred by you.

11. Section 11 is deleted.

12. Section 12 is amended to read as follows:

SEC. 12. *Slaughter of "Club" and "Show" livestock.*—(a) *Authorization.* Persons not otherwise registered to slaughter livestock or to have it slaughtered for them may do so if that livestock has been purchased by them;

(1) From members of 4–H Clubs, Future Farmers of America, or other recognized farm youth organizations at sales made at the place and time of a fair, show, or exhibition ("Club" livestock); or

(2) At a fair, show, or exhibition at which that livestock has been exhibited in competition, and in the course of a regularly scheduled public sale held at the place and time of such fair, show, or exhibition ("Show" livestock).

(b) *Statement and Record required.* (1) To have "Club" or "Show" livestock slaughtered for him, a person not otherwise registered must give to a registered slaughterer a signed statement reading as follows:

I certify that _____ head of _____
(State species)
to be slaughtered for me by _____
(Name of slaughterer)
are ("Club") ("Show") (strike out one) animals purchased by me in accordance with Section 12 of Distribution Regulation 1, Revision 1.

(2) Persons not registered to slaughter livestock who purchase "Club" or "Show" animals and slaughter them themselves or have them slaughtered for them must keep for the period required by section 17 (f) a copy of the receipt or bill of sale covering each such purchase.

(c) *Definition of "fair, show, or exhibition".* For the purposes of this section, "fair, show, or exhibition" means a fair, show, or exhibition which is recognized generally as being of county, state, regional (embracing more than one state), national or international character, and whose traditional events include a regularly scheduled public sale for slaughter of some or all of the livestock exhibited there.

13. Section 13 is amended to read as follows:

SEC. 13. *Transfer of Class 1 or Class 2 slaughtering establishment.* (a) If you are a Class 1 or Class 2 slaughterer and wish to transfer your establishment, you must first notify the OPS office at which you are registered. That office will acknowledge the transfer of your registration if your application states the name and address of the establishment being sold or transferred, the names of all transferors and transferees, and the nature and size of the interest being transferred.

For the purpose of this section "transfer" means a change in the location of the establishment, a change in the ownership of the establishment (amounting to a transfer of 10 percent or more of the business equity), or a change in the name of the establishment.

(b) No transfer of registration will be acknowledged while the slaughtering establishment concerned is under suspension by any governmental body or agency.

14. Section 14 is amended to read as follows:

SEC. 14. *Transfer of Class 1A or Class 2A Slaughterers' Registrations.* If you are a Class 1A or Class 2A slaughterer you will be permitted to transfer your registration only if the transfer of registration is accompanied by the sale or transfer to the transferee of such registration of an establishment in which you sold meat derived from livestock which you had slaughtered for you as a Class 1A or Class 2A slaughterer. In the event of such transfer you must first notify the OPS office at which you are registered of the transfer, stating in your application the information required by section 13 (a).

15. Section 15 is amended to read as follows:

SEC. 15. *New registrations for Class 1 or Class 2 slaughterers.* If you wish to slaughter livestock as a Class 1 or Class 2 slaughterer but are not registered to do so, you must apply to the OPS for registration. Applications for Class 1 registrations must be made to the National Office of OPS; applications for Class 2 registrations must be made to the OPS District Office for the area in which your establishment is located. Your application must contain a list of all owners of the establishment (owning 10% or more of the business equity) and a description of the plant, including its sanitary facilities and slaughtering capacity. Upon receipt of your completed application you will be registered. You may not begin slaughtering operations until you have received registration from the OPS.

16. Section 16 is amended to read as follows:

SEC. 16. *New registrations for Class 1A or Class 2A slaughterers.* If you want to have livestock slaughtered for you as a Class 1A or Class 2A slaughterer but you are not registered to do so, you must apply to the OPS for registration. Applications for Class 1A registration must be made to the National Office of OPS; applications for Class 2A registration must be made to the District Office of OPS for the area in which the establishment of your Class 2 slaughterer is located. Your application must contain a list of all owners of your business (owning 10% or more of the business equity) and a statement from your prospective Class 1 or Class 2 slaughterer that he is registered and willing to custom slaughter for you. Upon receipt of your completed application you will be registered. You may not begin slaughtering operations until you have received registration from OPS.

17. Section 17 is amended in the following respects:

Subsections 17 (b), (e) and (j) and paragraphs 17 (c) (3) and 17 (c) (4) are deleted. Subsections 17 (c), (d), (f), (g), (h) and (i) are redesignated sections 17 (b), (c), (d), (e), (f) and (g) respectively.

18. Sections 18, 19 and 20 are deleted.

19. Section 27 is amended in the following respects:

Subsections 27 (b), (c), (j), (m), (o), (p), (u), (v) and (w) are deleted.

Subsections 27 (d), (e), (f), (g), (h), (i), (k), (l), (n), (q), (r), (t) and (x) are redesignated sections 27 (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (n), and (o) respectively.

Subsection 27 (s) is redesignated section 27 (m) and amended to read as follows:

(m) "Slaughter base" means the pounds live weight of slaughter of a given species of livestock which a slaughterer was assigned by the Office of Price Stabilization (as shown on OPS Public Form No. 34 or OPS Form DO 1–2) or of slaughter for him which was assigned by the Office of Price Stabilization (as derived from OPS Form DO 1–4 or DO 1–5) for each accounting period during 1950.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. The provisions of this amendment shall be effective on November 24, 1952.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

NOVEMBER 24, 1952.

[F. R. Doc. 52–12607; Filed, Nov. 24, 1952; 12:18 p. m.]

[General Ceiling Price Regulation, Amdt 38]

GENERAL CEILING PRICE REGULATION

PLACE FOR FILING REPORTS UNDER SECTION 6 AND APPLICATIONS UNDER SECTION 7 FOR RETAILERS, WHOLESALERS, SERVICE SUPPLIERS AND SMALL MANUFACTURERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amend-

ment 38 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to the General Ceiling Price Regulation makes certain changes in the provisions of sections 6 and 7 pertaining to the place of filing of reports or applications.

The first of these changes is made for the purpose of clarifying the filing requirements with respect to a seller who expects to distribute his commodities nationally or over areas larger than the OPS region in which he is located. Any seller who expects to sell a substantial amount of the commodities covered by a report or application under these sections to persons located outside the OPS region where his place of business is located should file his report with the Director of Price Stabilization in Washington.

The second change is made for the purpose of carrying out a program of extending the authority of field offices to act on reports or applications filed pursuant to these sections. A manufacturer whose gross sales of manufactured commodities were under $1,000,000 in the last complete fiscal year should file his report or application with his OPS District Office. A new manufacturer who expects his first year's gross sales of manufactured commodities to be less than $1,000,000 should, likewise, file with his OPS District Office.

The wide coverage of this amendment has made it impracticable to consult with representatives of the affected industries or trade associations.

AMENDATORY PROVISIONS

The General Ceiling Price Regulation is amended in the following respects:

1. The first sub-paragraph of paragraph (b) of section 6 is amended to read as follows:

You should file your report with the OPS District Office for the district in which your place of business is located except as follows: Your report should be filed with the Director of Price Stabilization, Washington 25, D. C., if, (1) you expect to sell a substantial amount of the commodities covered by your report to persons located outside the OPS region in which your place of business is located, or (2) you are a manufacturer and your gross sales of your manufactured commodities for your last complete fiscal year amounted to $1,000,000 or more, or you are a new manufacturer who has not yet completed a fiscal year, but you expect your gross sales of your manufactured commodities to reach $1,000,000 during your first fiscal year, or (3) your report is made for a group of retail sellers determining uniform ceiling prices under section 12.

2. The last sub-paragraph of section 7 is amended to read as follows:

You should file your application with the OPS District Office for the district in which your place of business is located except as follows: Your application should be filed with the Director of Price Stabilization, Washington 25, D. C. if, (1) you expect to sell a substantial amount of the commodities covered by your application to persons located outside the OPS region in which your place of business is located, or (2) you are a manufacturer and your gross sales of your manufactured commodities for your last complete fiscal year amounted to $1,000,000 or more, or you are a new manufacturer who has not yet completed a fiscal year, but you expect your gross sales of your manufactured commodities to reach $1,000,000 during your first fiscal year, or (3) your application is made for a group of retail sellers determining uniform ceiling prices under section 12.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective November 29, 1952.

NOTE: The record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 25, 1952.

[F. R. Doc. 52-12654; Filed, Nov. 25, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 87, Amdt. 1]

GCPR, SR 87—CEILING PRICES FOR RESELLERS OF LUMBER AND ALLIED WOOD PRODUCTS

FILING WITH DISTRICT OFFICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Supplementary Regulation 87 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

In conformance with current OPS policy, this amendment to Supplementary Regulation 87 to the GCPR provides that applications for the establishment of a percentage markup under section 14 shall be filed with the District Office of the Office of Price Stabilization in the District where a reseller's place of business is located. Those resellers who have places of business in more than one District shall continue to file with the National Office.

The character of this amendment made it impracticable to consult formally with industry representatives, although, wherever feasible, various representatives of industry were informally consulted and consideration was given to their recommendations.

In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Section 14 (a) is amended to read as follows:

(a) If you cannot determine a percentage markup for a lumber item under other provisions of this supplementary regulation, as, for example, because you were not in business during those periods, or because you are selling to an entirely new class of purchaser, etc., you must make written application for the establishment of a percentage markup to the District Office of the Office of Price Stabilization in the District in which your place of business is located. If you have places of business located in more than one District, then you must file your application with the Forest Products Division, Office of Price Stabilization, Washington 25, D. C. Your application must be filed in duplicate and must be sent by registered mail with a return receipt requested. Your application shall state:

(1) Your name and address, or addresses, and the nature of your business, such as retailer, type of wholesaler, etc.

(2) As complete a description as possible of the lumber item or items for which you are seeking a markup.

(3) A statement as to whether your proposed markup is to apply to your current net invoice cost, acquisition cost, or your current average net invoice or acquisition cost, and the amount of such cost to you for the item you are pricing.

(4) Your proposed percentage markup, and the class or classes of purchasers to which the markup will apply for the quantities involved.

(5) A statement setting forth the reason why you cannot determine a markup for the lumber item under other provisions of this supplementary regulation.

(6) A statement setting forth how you determined your proposed markup, and why you believe it is in line with a markup determined under the other procedures established by this supplementary regulation.

(Sec. 704, 64 Stat. 816, amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective November 29, 1952.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 25, 1952.

[F. R. Doc. 52-12659; Filed, Nov. 25, 1952; 4:01 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 110, Amdt. 1]

GCPR, SR 110—TRUE MAHOGANY LOGS AND LUMBER

FILING WITH DISTRICT OFFICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Supplementary Regulation 110 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

In conformance with current OPS policy, this amendment to Supplementary Regulation 110 provides that reports under section 5 shall be filed with the District Office of the Office of Price Stabilization in the District where a seller's place of business is located.

Those sellers who have places of business in more than one District shall continue to file with the National Office. The amendment does not require sellers to refile reports which they have previously filed with the National Office.

The character of this amendment made it impracticable to consult formally with industry representatives, although, wherever feasible, various representatives of industry were informally consulted and consideration was given to their recommendations.

In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Section 5 is amended to read as follows:

SEC. 5. *Reports*—(a) *Initial reports.* Within 30 days after the effective date of this supplementary regulation, you shall file with the District Office of the Office of Price Stabilization in the District in which your place of business is located, a report showing the following information with respect to:

(1) *Logs.* (i) Your ceiling prices for true mahogany logs established under the provisions of the General Ceiling Price Regulation with respect to each class of purchaser.

(ii) Your actual selling price to each class of purchaser, and date of sales, of true mahogany logs for your last sale made prior to the effective date of this regulation.

(2) *Lumber.* (i) Your carload ceiling prices for true mahogany lumber, established under the provisions of the General Ceiling Price Regulation with respect to each class of purchaser, for one inch and for two inch thicknesses in each of the following grades: FAS, Selects No. 1 Common, No. 2 Common, and N. O., and FAS (A) Wormy.

(ii) Your actual carload selling price to each class of purchaser, and date of sales for your last sales made prior to the effective date of this regulation of true mahogany lumber in the thicknesses and grades listed in subdivision (i) of this subparagraph.

If you have places of business located in more than one District, then you must file your application with the Forest Products Division, Office of Price Stabilization, Washington 25, D. C.

(b) *Quarterly reports.* Within 20 days after each of the calendar periods ending March 31, June 30, September 30, and December 31 of each year during which this supplementary regulation remains effective, you shall file with the District Office of the Office of Price Stabilization in the District in which your place of business is located, a report for the respective calendar period on OPS Public Form No. 141 showing the following information with respect to:

(1) *Logs.* (i) The principal class of purchaser to which you sold true mahogany logs.

(ii) The highest price at which you delivered true mahogany logs ($ per MFBM) to the above.

(iii) The total board feet delivered at highest price (MFBM).

(iv) The total board feet of all deliveries (MFBM).

(2) *Lumber.* (i) The highest price at which you delivered true mahogany lumber in carload lots in one inch and in two inch thicknesses in each of the following grades: FAS, Selects, No. 1 Common, No. 2 Common, N. O. and FAS (A) Wormy.

(ii) The total board feet delivered at highest carload price (MFBM).

(iii) The total board feet of all deliveries of true mahogany lumber (MFBM) in one inch and in two inch thicknesses in each of the following grades: FAS, Selects, No. 1 Common, No. 2 Common, N. O. and FAS (A) Wormy.

If you have places of business located in more than one District, then you must file your application with the Forest Products Division, Office of Price Stabilization, Washington 25, D. C.

NOTE: In reporting your lumber sales, you must report separately your sales of one inch and two inch items. You must use OPS Public Form No. 141 in providing the above required information.

(c) Reports made under this section shall contain your company name and address and be signed by you if an individual; if a partnership, by a partner, or if a corporation, by a duly authorized officer.

(Sec. 704, 64 Stat. 816, amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective November 29, 1952.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 25, 1952.

[F. R. Doc. 52-12660; Filed, Nov. 25, 1952; 4:01 p. m.]

[General Overriding Regulation 4, Amdt. 12 to Revision 1]

GOR 4—EXEMPTIONS AND SUSPENSIONS OF CERTAIN CONSUMER SOFT GOODS

CLARIFICATION OF SUSPENSION

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to General Overriding Regulation 4, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

Amendment 1 to General Overriding Regulation 4, Revision 1, added to the commodities suspended from price controls three groups of yarns and fabrics when sold by manufacturers. It now appears that the language used in this amendment to suspend certain synthetic and silk yarns and fabrics went beyond the Agency's intention at the time and the present amendment is therefore being issued to clarify and properly limit the effect of Amendment 1. This is accomplished by the addition of a new category of exceptions making it clear that synthetic and silk yarns and fabrics composed of more than 50 percent by fiber weight of fibers or yarns which are neither wool, cotton, silk, synthetics nor combinations thereof, are not suspended from price controls.

The other changes effected by the present amendment are merely designed to make the regulation more easily understood.

In view of the clarifying nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

General Overriding Regulation 4, Revision 1, as amended, is further amended in the following respects:

1. Paragraph (c) of section 3 is amended to read as follows:

(c) *Synthetics and silk.* The following yarns and fabrics when sold by the manufacturer thereof: Spun, plied, thrown, dyed or otherwise processed yarns and greige and finished fabrics composed wholly or partly of synthetic or silk fibers or yarns, except sales in the territories and possessions of the United States and sales of the following: (1) Yarns or fabrics composed of more than 50 percent by fiber weight or fibers or yarns which are neither wool, cotton, silk, synthetics nor combinations thereof, (2) automotive parts, (3) synthetic tire fabric, (4) yarns or fabrics containing 25 percent or more of wool or wool waste by fiber weight, and (5) yarns or fabrics which consist, after production but before finishing, of 50 percent or more of cotton by fiber weight and containing less than 25 percent by fiber weight of any one of either wool, rayon, nylon or other fibers. Nothing in this paragraph shall be construed to apply to synthetic staple, tow, or continuous filament yarn as produced by the initial manufacturer, or to raw silk.

2. Paragraph (d) is amended by adding the headnote *Wool,* so that paragraph (d) will now read as follows:

(d) *Wool.* Yarns and fabrics, when sold by the manufacturers thereof, containing 25 percent or more of wool or wool waste by fiber weight, except sales made in the territories and possessions of the United States and sales of soft surface floor coverings.

3. Paragraph (e) is amended by adding the headnote *Cotton,* so that paragraph (e) will now read as follows:

(e) *Cotton.* Yarns and fabrics, when sold by the manufacturers thereof, consisting, after production but before finishing, of 50 percent or more of cotton by fiber weight and containing less than 25 percent by fiber weight of any one of either wool, rayon, nylon or other fibers, except sales in the territories and possessions of the United States.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective November 24, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 24, 1952.

[F. R. Doc. 52-12608; Filed, Nov. 24, 1952; 12:18 p. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 92 to Schedule A]

[Rent Regulation 2, Amdt. 90 to Schedule A]

RR 1—Housing

RR 2—Rooms in Rooming Houses and Other Establishments

Schedule A—Defense-Rental Areas

PENNSYLVANIA AND OHIO

Effective November 24, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the items indicated below of Schedule A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 21st day of November 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Pennsylvania				
(267) Pittsburgh	B	In Allegheny County, the cities of Clairton, Duquesne, McKeesport, and Pittsburgh, the townships of Aleppo, Baldwin, Elizabeth, Forward, Harmar, Harrison, Indiana, Leet, Neville, Richland, Sewickley, South Fayette, South Versailles, Springdale, Stowe, West Deer, and Wilkins, the boroughs of Aspinwall, Baldwin, Blawnox, Breckenridge, Braddock, Braddock Hills, Brentwood, Bridgefield, Carnegie, Coraopolis, Dravosburg, East McKeesport, East Pittsburgh, Etna, Glassport, Glenfield, Heidelhert, Homestead, Leetsdale, McKees Rocks, Millvalo, Munhall, Nortb Braddock, Pitcairn, Port Vue, Rankin, Sbarpsburg, Springdale, Swissvale, Tarentum, Turtle Creek, Verona, Versailles, Wall, West Elizabeth, West Homestead, West Mifflin, White Oak, and Wilmerding, and all unincorporated localities in Allegheny County, except those in the townsbips of Crescent, Franklin, Mount Lebanon, Ohio, Penn, and Sbaler, and tbe boroughs of Bethel, Churcbill, Elizaheth, Ingram, Rosslyn Farms, and Wilkinsburg; in Armstrong County, the township of Pine, tbe boroughs of Ford City, Kittaning, North Apollo, and West Kittaning, and all unincorporated localities; in Beaver County, the townships of Center, Hanover, Harmony, and Potter, the boroughs of Aliquippa, Baden, and Monaca, and that part of Beaver County north and east of the Ohio River, (except the townships of Economy and Brighton and the horoughs of Ambridge, Beaver, and Conway), and all unincorporated localities in Beaver County, except those in tho township of Brigbton and tbe borough of Beaver; in Fayette County, the cities of Connellsvillo and Uniontown, the townships of Dunbar, German, Perry, Redstone, and Washington, tbe boroughs of Belle Vernon, Brownsville, Dawson, Dunhar, Everson, Fairchance, Fayette City, Masontown, South Connellsville, and Vanderbilt, and all unincorporated localities except those in the townships of Henry Clay, Stewart, and Wbarton; in Lawrence County, tbe horoughs of Bessemer and Elwood City, and all unincorporated localities except those in the horough of New Wilmington; in Washington County, tbe cities of Monongahela and Wasbington, tbe townships of Canton, East Pike Run, North Strabane, Smith, and South Strahane, the horoughs of Allenport, Beallsville, Bentleyville, California, Cannonsburg, Centreville, Charleroi, Coal Center, Cokehurg, Donora, Dunlevy, Ellsworth, McDonald, New Eagle, North Charleroi, Roscoe, West Brownsville, and all unincorporated localities except those in tbe townships of East Finley, Morris, Soutb Franklin, and West Finley; in Westmoreland County, tbe eities of Arnold, Jeanette, Monessen, and New Kensington, tbe townships of East Huntingdon, Rostraver, Unity,	Mar. 1, 1942	July 1, 1942
		and Upper Burrell, the towns of East Vandergrift and Oklahoma, tbe boroughs of Export, Irwin, Mount Pleasant, North Belle Vernon, Nortb Irwin, Penn, Scottdale, Trafford, Vandergrift, and West Newton, and all unincorporated localities in Westmoreland County except the township of Sewicklcy.		
	B	In Lawrence County, tbe city of New Castle and all otber incorporated municipalitics except tbo horoughs of Bessemer, Elwood City, and New Wilmington.	Sept. 30, 1952	Oct. 8, 1952
	C	Tbat part of Beaver County north and east of tbe Ohio River, except the townsbips of Brighton, Economy, and Harmony, and tbe boroughs of Amhridge, Baden, Beaver, and Conway, and that part of the horough of Ellwood City wbicb lies in Beaver County.	Oct. 1, 1950	Feb. 28, 1952
	C	In Beaver County, tbe townsbips of Center and Potter, and the borough of Monaca.	do	Apr. 1, 1952
	A	In Beaver County, Brighton Township	do	Feb. 28, 1952
(272) Williamsport	B	In Lycoming County, the city of Williamsport, tbe townships of Armstrong, Clinton, Loyalsock, and Old Lycoming, the boroughs of Duhoistown, Montgomery, Montoursville, and Soutb Williamsport.	Mar. 1, 1942	Nov. 1, 1942
	C	do	Jan. 1, 1952	Sept. 29, 1952
	A	In Lycoming County, the townships of Antbony, Bastress, Brady, Eldred, Fairfield, Hephurn, Limestone, Lycoming, Mifflin, Mill Creek, Muncy, Muncy Creek, Nippenose, Piatt, Porter, Susquehanna, Upper Fairfield, Washington, Watson, Wolf, and Woodward, and the boroughs of Hughesville, Picture Rocks, and Salladsburg.	do	Do.
	B	In Northumherland County, the city of Sunbury and tbe borough of Nortbumberland; in Snyder County, the borough of Selinsgrove; in Union County, the borough of Lewisburg.	Mar. 1, 1942	Dec. 1, 1942
	B	In Clinton County, tbe borougb of Renovo	do	Feb. 1, 1944
Ohio				
(224) Akron	B	Summit County, except tho cities of Akron and Cuyahoga Falls and the villages of Hudson, Silver Lake, and Tallmadge, and all unincorporated localitics.	Apr. 1, 1941	June 1, 1942

These amendments decontrol the following based on resolutions submitted under section 204 (j) (3) of the act:

The Township of Sewickley in Westmoreland County, Pennsylvania, a portion of the Pittsburgh Defense-Rental Area;

The Boroughs of Jersey Shore and Muncy in Lycoming County, Pennsylvania, portions of the Williamsport Defense-Rental Area;

The City of Akron in Summit County, Ohio, a portion of the Akron Defense-Rental Area, and all unincorporated localities in the defense-rental area, the said City of Akron being the major portion of the defense-rental area.

[F. R. Doc. 52-12589; Filed, Nov. 24, 1952; 9:30 a. m.]

[Rent Regulation 3, Amdt. 96 to Schedule A]

[Rent Regulation 4, Amdt. 39 to Schedule A]

RR 3—Hotels

RR 4—Motor Courts

Schedule A—Defense-Rental Areas

PENNSYLVANIA

Effective November 24, 1952, Rent Regulation 3 and Rent Regulation 4 are amended so that the items indicated below of Schedule A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. 1894)

Issued this 21st day of November 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(272) Williamsport	Pennsylvania.	In Lycoming County, the city of Williamsport; the boroughs of Duboistown, Hughesville, Montgomery, Montoursville, Picture Rocks, Salladsburg, and South Williamsport; and the townships of Anthony, Armstrong, Bastress, Brady, Clinton, Eldred, Fairfield, Hepburn, Limestone, Loyalsock, Lycoming, Mifflin, Mill Creek, Muncy, Muncy Creek, Nippenose, Old Lycoming, Piatt, Porter, Susquehanna, Upper Fairfield, Washington, Watson, Wolf, and Woodward.	Jan. 1, 1952	Sept. 29, 1952

These amendments decontrol the following based on resolutions submitted under section 204 (j) (3) of the act:

The Boroughs of Jersey Shore and Muncy in Lycoming County, Pennsylvania, portions of the Williamsport Defense-Rental Area.

[F. R. Doc. 52-12590; Filed, Nov. 24, 1952; 9:30 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Rev. S. O. 856, Amdt. 4]

PART 95—CAR SERVICE

SATURDAYS TO BE INCLUDED IN COMPUTING DEMURRAGE ON ALL FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of November A. D. 1952.

Upon further consideration of Second Revised Service Order No. 856 (16 F. R. 3929, 10560; 17 F. R. 896, 3458, 4949), and good cause appearing therefor: It is ordered, that:

Section 95.856 *Saturdays to be included in computing demurrage on all freight cars,* of Second Revised Service Order No. 856 be, and it is hereby amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* This section shall expire at 11:59 p. m., May 31, 1953, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., November 30, 1952.

It is further ordered, That a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interpret or apply secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12563; Filed, Nov. 25, 1952; 8:46 a. m.]

[Rev. S. O. 867, Amdt. 8]

PART 95—CAR SERVICE

RESTRICTIONS ON TRAP AND FERRY CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of November A. D. 1952.

Upon further consideration of Revised Service Order No. 867 (15 F. R. 6199, 6313, 6573; 16 F. R. 2895, 6184, 12096; 17 F. R. 1857, 4949, 7945), and good cause appearing therefor: It is ordered, that:

Section 95.867 *Restrictions on trap and ferry cars,* of Revised Service Order No. 867 be, and it is hereby further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 11:59 p. m., February 28, 1953, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., November 30, 1952.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interpret or apply secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12564; Filed, Nov. 25, 1952; 8:46 a. m.]

[Corr. S. O. 870, Amdt. 7]

PART 95—CAR SERVICE

FREE TIME ON FREIGHT CARS LOADED AT PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of November A. D. 1952.

Upon further consideration of Service Order No. 870 (15 F. R. 8994, 9065; 16 F. R. 2895, 6843, 10995; 17 F. R. 1857, 4949, 7945), and good cause appearing therefor: It is ordered, that:

Section 95.870 *Free time on freight cars loaded at ports,* of Service Order No. 870, be, and it is hereby further amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* This section shall expire at 11:59 p. m., February 28, 1953, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., November 30, 1952.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interpret or apply secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12565; Filed, Nov. 25, 1952; 8:46 a. m.]

[Corr. S. O. 871, Amdt. 8]

PART 95—CAR SERVICE

FREE TIME ON UNLOADING BOX CARS AT PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of November A. D. 1952.

Upon further consideration of Service Order No. 871 (15 F. R. 8995, 9066; 16 F. R. 2895, 6843, 10750, 10995; 17 F. R. 1858, 4949, 7946), and good cause appearing therefor: It is ordered, that:

Section 95.871 *Free time on unloading box cars at ports,* of Service Order No. 871 be, and it is hereby further amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p. m., February 28, 1953, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., November 30, 1952.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it

with the Director, Division of the Federal Register..

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interpret or apply secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12566; Filed, Nov. 25, 1952; 8:46 a. m.]

[Second Rev. S. O. 872]

PART 95—CAR SERVICE

MOVEMENT OF GRAIN TO TERMINAL ELEVATORS BY PERMIT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of November A. D. 1952.

It appearing, that there is a shortage of box cars for the transportation of all commodities, which will be aggravated during the coming months by weather conditions and the needs of the Armed Forces, and that there is an urgent need to regulate transportation of grain in carloads to certain ports to prevent congestion; in the opinion of the Commission an emergency exists in all sections of the country requiring immediate action to promote the National Defense and car service in the interest of the public and the commerce of the people. It is ordered, that:

§ 95.872 *Movement of grain to terminal elevators by permit*—(a) *Necessity of permit.* No common carrier by railroad subject to the Interstate Commerce Act shall accept for transportation, transport, or move any car loaded with grain waybilled, consigned, or reconsigned to any elevator or for direct delivery to a vessel at the port or ports in the areas named in this section, unless such carrier has first obtained a permit authorizing the movement of such grain in carloads into the port area. The waybill shall show the number of the permit issued.

(b) *Appointment of Agent and designation of duties.* (1) Mr. C. W. Taylor, Room 5117 ICC Building, Phone: National 7460, Ext. 548, is hereby designated and appointed Agent of this Commission to prescribe the terms and conditions under which permits may be issued and is authorized at any time to change, revoke or cancel the terms or conditions under which permits may be issued.

(2) Mr. T. M. Healy, 204 Southern Railway Building, Atlanta, Georgia, Phone: Cypress 7321, is hereby designated and appointed Permit Agent for the ports of New Orleans, Louisiana and Mobile, Alabama.

(3) Mr. D. R. Swain, 606 Fannin Building, Houston, Texas, is hereby designated and appointed Permit Agent for the Texas Gulf ports.

(4) Mr. P. E. Grider, 211 U. S. Court House, Portland 5, Oregon, Phone: Atwater 6171, Ext. 559, is hereby designated and apointed Permit Agent for the ports in the States of Washington and Oregon.

(c) *Application.* The provisions of this section shall apply to interstate and foreign commerce, including commerce with insular possessions and the territories of Alaska and Hawaii.

(d) *Effective date.* This section shall become effective at 7:00 a. m., November 24, 1952.

(e) *Expiration date.* This section shall expire at 11:59 p. m., March 31, 1953, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this order vacates and supersedes Revised Service Order No. 872 and that a copy of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interpret or apply secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12567; Filed, Nov. 25, 1952; 8:47 a. m.]

[Order No. 13528]

PART 132—POWER BRAKES AND DRAWBARS

EQUIPMENT OF INTERCHANGE CARS

In the matter of investigation of power brakes and appliances for operating power brake systems.

Upon consideration of request on behalf of respondents for an extension of time beyond December 31, 1952, within which to equip interchange cars used in freight service with power brakes and appliances as required by the order heretofore entered herein on September 21, 1945, as amended, and good cause appearing therefor:

It is ordered, That the order heretofore entered on September 21, 1945, as amended, requiring respondents to install power brakes and appliances on their cars used in interchange freight service on or before December 31, 1952, be, and it is hereby, further amended so as—

To require that all such interchange cars be so equipped on or before June 30, 1953, except as indicated hereinafter:

To prohibit the movement by any respondent after June 30, 1953, of any car in interchange service, other than tank cars (including the cars of private car-line companies), not so equipped except that such cars may be so moved prior to October 1, 1953, if routed to owner; and

To prohibit the movement by respondents after October 1, 1953, of any tank car in interchange service (including the tank cars of private car-line companies) not so equipped except that such tank cars may be so moved prior to January 1, 1954, if routed to owner.

It is further ordered, That the term "interchange service" means the movement of any car that is engaged in freight service, irrespective of ownership, that is interchanged between or among two or more respondent railroads.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12)

Dated at Washington, D. C., this 18th day of November A. D. 1952.

By the Commission, Commissioner Patterson.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12562; Filed, Nov. 25, 1952; 8:46 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

SIMULTANEOUSLY CONTESTED CLAIMS

In § 4.55 (b), subparagraphs (1), (3), and (4) are amended to read as follows:

§ 4.55 *Contested claims.* * * *

(b) *Simultaneously contested claims.* (1) When entitlement of one claimant is determined, the claim of the other person will be formally disallowed. The claimants and other interested persons will be notified of the determinations made, and the person whose claim is disallowed will be allowed 60 days from the date of the letter of disallowance within which to file an appeal.

* * * * *

(3) If an appeal is not filed within the time allowed, an award to the claimant whose title has been established will be made.

(4) Notices as required by this section shall be forwarded to the parties in interest to the last known address of record. (Paragraph X, Part II, Veterans Regulation 2 (a).) If the person whose claim has been disallowed is residing in a country with which the United States is at war or which is occupied by enemy forces, the requirement of notice will be met by placing in the XC-folder a notation that the notice is not being sent because of interruption to mail service incident to such condition.

* * * * *

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective November 26, 1952.

H. V. STIRLING, *Deputy Administrator.*

[F. R. Doc. 52-12533; Filed, Nov. 25, 1952; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10209]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

ASSIGNMENT OF SHIP TELEGRAPH AND TELEPHONE FREQUENCIES; CORRECTION

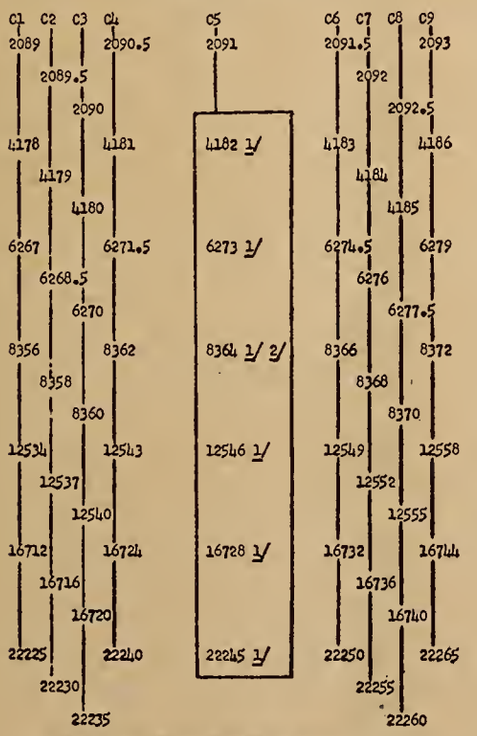
In the matter of amendment of Part 8 of the Commission's rules regarding the assignment of calling frequencies to ship stations using telegraphy in the bands between 4000 and 23000 kc. Amendment of Part 8 of the Commission's rules to provide a plan of assignment of all assignable ship telegraph frequencies between 2000 and 23000 kc and ship telephone frequencies between 4000 and 23000 kc; Docket No. 10209.

Table 1-b, as set forth below, was inadvertently omitted from the copy of the above-entitled document (adopted by the Commission on November 3, 1952) which was published in the FEDERAL REGISTER November 19, 1952.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

TABLE 1-b—SHIP RADIOTELEGRAPH CALLING FREQUENCIES



[1] These frequencies are available only to aircraft, and lifeboats and other survival craft, for communication with stations of the Maritime Mobile Service.

[2] Lifeboats and survival craft compulsorily equipped with radio apparatus under international agreement, must be capable of transmitting on this frequency if such apparatus provides for the use of frequencies between 4000 kc and 23,000 kc.

[F. R. Doc. 52-12560; Filed, Nov. 25, 1952; 8:50 a. m.]

[Docket No. 10276]

PART 9—AERONAUTICAL SERVICES

FREQUENCIES AVAILABLE; SERVICE TO BE RENDERED

In the matter of amendment of §§ 9.321 (e), 9.331 (a), and 9.412 (b) of the Commission's rules and regulations governing aeronautical services; Docket No. 10276.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of November 1952;

The Commission having under consideration the above captioned matter which proposed to amend Part 9, in order to implement that portion of the agreement concluded at the Extraordinary Administrative Radio Conference (EARC) Geneva, 1951 which made the frequency 3023.5 kc available for assignment to aircraft.

It appearing, that in accordance with the requirements of the Administrative Procedure Act, a notice of proposed rule making was duly published in Volume 17 of the FEDERAL REGISTER on August 16, 1952, which notice proposed the above amendment to the Commission's rules; and

It further appearing, that the period in which interested persons were afforded an opportunity to submit comments expired and all comments have been considered; and

It further appearing, that the Civil Aeronautics Administration in commenting on this proposal states, that Civil Aviation as a whole will benefit by transfer of the service now rendered on 3105 kc to the Internationally Agreed worldwide common frequency 3023.5 kc; and

It further appearing, that the Civil Aeronautics Administration states that essentially all of the approximate 600 CAA stations will be equipped to render service on 3023.5 kc by March 15, 1953, and that these stations can provide service to aircraft on 3105 kc as well as on 3023.5 kc for any reasonable minimum period which can be justified in the circumstances. Further, the CAA urged that the Commission extend for a like period the availability of the frequency 3105 kc to aircraft in order that the operational problems of transition within the United States will be eased and that an opportunity for more fully coordinating this frequency change with neighboring countries will be provided; and

It further appearing, that the comments filed in opposition to the proposed rule making were general in nature; either objecting to the change at any time or requesting that 3105 kc not be deleted on March 15, 1953. Comments included deletion dates ranging from six months to one year beyond March 15, 1953; and

It further appearing, that in view of the comments filed, an extension of the effective date for the discontinuation of use of 3105 kc from March 15, 1953, to March 15, 1954, appears to be a reasonable minimum period which is justified in the circumstances; and

It further appearing, that it would be in the public interest to amend §§ 9.321 (e) and 9.331 (a) so as to authorize all aircraft stations currently authorized to operate on the frequency 3105 kc to operate on the frequency 3023.5 kc during the term of their current licenses without the frequency 3023.5 kc being listed on such licenses; and

It further appearing, that the public interest, convenience and necessity will be served by this amendment, the authority for which is contained in sections 4 (i), 303 (a), (b), (c), and (r) of the Communications Act of 1934, as amended;

It is ordered, That effective December 15, 1952, Part 9 of the Commission's rules and regulations governing Aeronautical Services, is amended as set forth below.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: November 7, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Section 9.321 (e) is amended to read as follows:

§ 9.321 *Frequencies available.* * * *

(e) 3023.5 [1] kilocycles (or 3105 kc until March 15, 1954): Available to air carrier aircraft only where service on the appropriate very high frequency is not available or where service is suspended due to equipment failure.

2. Section 9.331 (a) is amended to read as follows:

§ 9.331 *Frequencies available.* * * *

(a) 3023.5[1] kilocycles (or 3105 kc until March 15, 1954): Aircraft calling and working frequency for use by private aircraft.

3. Section 9.412 (b) is amended to read as follows:

§ 9.412 *Service to be rendered.* * * *

(b) The licensee of an airdrome control station shall without discrimination provide service for any and all aircraft. Such licensee shall maintain a continuous listening watch during its hours of operations on the following aircraft calling and working frequencies:

(1) Very high frequencies:

(i) 122.5 Mc;

(ii) 121.5 Mc—emergency frequency—upon application therefor the Commission may exempt any station from the emergency frequency watch requirement, when a showing is made that such service is not required in the preservation of life and property in the air.

(iii) Upon further notice a listening watch may be required on the frequencies 122.7 or 122.9 Mc.

(2) High frequencies:

(i) 3105 kc—until March 15, 1954;

(ii) 3023.5 kc—after March 15, 1953.

[F. R. Doc. 52-12561; Filed, Nov. 25, 1952; 8:46 a. m.]

[1] Aircraft radio station licensees presently authorized to operate on the frequency 3105 kilocycles may in addition thereto operate on the frequency 3023.5 kilocycles in accordance with § 9.321 (e) or 9.331 (a) during the term of their current licenses without the frequency 3023.5 kilocycles showing on such licenses.

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

ADJUSTMENT OF BASIS OF PROPERTY FOR DEPRECIATION, OBSOLESCENCE, AMORTIZATION AND DEPLETION

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 62 of the Internal Revenue Code (53 Stat. 32; 26 U. S. C. 62).

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR, Part 29) to Public Law 539 (82d Congress), approved July 14, 1952, which amends section 113 (b) (1) (B) of the Internal Revenue Code, relating to the adjustment of the basis of property for depreciation, obsolescence, amortization, and depletion, such regulations are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.113 (b) (1)–1 the following:

PUBLIC LAW 539 (82D CONGRESS) [APPROVED JULY 14, 1952]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of section 113 (b) (1) (B) of the Internal Revenue Code (relating to adjustments to basis of property for depreciation, etc.) as precedes the word "Where" is hereby amended to read as follows:

(B) In respect to any period since February 28, 1913, for exhaustion, wear and tear, obsolescence, amortization, and depletion, to the extent of the amount—

(i) Allowed as deductions in computing net income under this chapter or prior income tax laws, and

(ii) Resulting (by reason of the deductions so allowed) in a reduction for any taxable year of the taxpayer's taxes under this chapter (other than subchapter E), subchapter E of chapter 2, or prior income, war-profits, or excess-profits tax laws,

but not less than the amount allowable under this chapter or prior income tax laws. Clause (ii) of this subparagraph shall not apply in respect of any period since February 28, 1913, and before January 1, 1952, unless an election has been made under subsection (d).

* * * * *

SEC. 3. The amendments made by this Act shall apply in respect of taxable years beginning after December 31, 1938. Provisions having the effect of such amendments shall be deemed to have been included in the revenue laws respectively applicable to taxable years ending after December 31, 1931, and beginning before January 1, 1939.

PAR. 2. Section 29.113 (b) (1)–1 as amended by Treasury Decision 5873, approved December 7, 1951, is amended as follows:

(A) By inserting immediately preceding the paragraph (a) thereof the following headnote: "(a) *Items properly chargeable to capital account,*" and by redesignating paragraphs (b) and (c) as subparagraphs (1) and (2).

(B) By striking paragraph (d) of such section, which paragraph begins with the words "The cost or other basis * * *", and paragraph (e) thereof, which paragraph begins with the words "The depreciation allowed * * *", and inserting in lieu thereof the following:

(b) *Exhaustion, wear and tear, obsolescence, amortization, and depletion for periods since February 28, 1913*—(1) *In General.* The cost or other basis must also be decreased, to the extent provided in subparagraphs (2), (3), and (4) of this paragraph, by the amount of the deductions for exhaustion, wear and tear, obsolescence, amortization, and depletion. The adjustment required for any taxable year or period is the amount allowed (or the portion thereof referred to in subparagraph (2) (i) or subparagraph (4) (i) of this paragraph, as the case may be) or the amount allowable for such year or period under the law applicable thereto, whichever is the greater amount. A taxpayer is not permitted to take advantage in a later year of his prior failure to take any depreciation allowance or of his action in taking an allowance plainly inadequate under the known facts in prior years. The determination of the amount properly allowable shall, however, be made on the basis of facts reasonably known to exist at the end of such year or period. The aggregate sum of the greater of such annual amounts is the amount by which the cost or other basis of the property shall be adjusted.

The deductions by which the cost or other basis is to be decreased shall include deductions allowed under section 114 (b) (2), (3), and (4) of the Revenue Act of 1932, the Revenue Act of 1934, the Revenue Act of 1936, the Revenue Act of 1938, and the Internal Revenue Code, for the taxable year 1932 and subsequent taxable years, but the amount of the diminution in respect of depletion for taxable years prior to 1932 shall not exceed a depletion deduction computed without reference to discovery value in the case of mines, or without reference to discovery value or a percentage of income in the case of oil and gas wells.

(2) *Adjustment for periods beginning on or after January 1, 1952.* The decrease required by subparagraph (1) of this paragraph for deductions in respect of any period beginning on or after January 1, 1952, shall be whichever is the greater of the following amounts:

(i) The amount allowed as deductions in computing net income under chapter 1 and resulting (by reason of the deductions so allowed) in a reduction for any taxable year of the taxpayer's taxes under chapter 1 (other than subchapter E, relating to the tax on self-employment income);

(ii) The amount properly allowable as deductions in computing net income under Chapter 1 (whether or not the amount properly allowable would have caused a reduction for any taxable year of the taxpayer's taxes).

(3) *Adjustment for periods since February 28, 1913, and before January 1, 1952, where no election made.* Except where an election has been properly made under section 113 (d) (see subparagraph (4) of this paragraph, the decrease required by paragraph (1) for deductions in respect of any period since February 28, 1913, and before January 1, 1952, shall be whichever of the following amounts is the greater:

(i) The amount allowed as deductions in computing net income under chapter 1 or prior income tax laws;

(ii) The amount properly allowable in computing net income under chapter 1 or prior income tax laws.

For the purpose of determining the decrease required by this paragraph it is immaterial whether or not the amount under subdivision (i) of this subparagraph or the amount under subdivision (ii) of this subparagraph would have resulted in a reduction for any taxable year of the taxpayer's taxes.

(4) *Adjustment for period since February 28, 1913, and before January 1, 1952, where election made under section 113 (d).* If an election has been properly made under section 113 (d) (see section 29.113 (d)–1), the decrease required by subparagraph (1) of this paragraph for deductions in respect of any period since February 28, 1913, and before January 1, 1952, shall be whichever is the greater of the following amounts:

(i) The amount allowed as deductions in computing net income under chapter 1 or prior income tax laws and resulting (by reason of the deductions so allowed) in a reduction for any taxable year of the taxpayer's taxes under chapter 1 (other than subchapter E, relating to the tax on self-employment income), subchapter E of chapter 2, or prior income, war-profits, or excess-profits tax laws;

(ii) The amount properly allowable as deductions in computing net income under chapter 1 or prior income tax laws (whether or not the amount properly allowable would have caused a reduction for any taxable year of the taxpayer's taxes).

(5) *Determination of amount allowed which reduced taxpayer's taxes.* For the purpose of determining whether the amount allowed which resulted in a re-

duction for any taxable year of the taxpayer's taxes under chapter 1 of the Internal Revenue Code (other than subchapter E), subchapter E of chapter 2, or prior income, war-profits, or excess-profits tax laws, which amount is hereinafter referred to as the "tax-benefit amount allowed", exceeded the amount allowable, a determination must be made of that portion of the excess of the amount allowed over the amount allowable which, if disallowed, would not have resulted in an increase in any such tax previously determined. If the entire excess of the amount allowed over the amount allowable could be disallowed without any such increase in tax, the tax-benefit amount allowed shall not be considered to have exceeded the amount allowable. If only part of such excess could be disallowed without any such increase in tax, the tax-benefit amount allowed shall be considered to exceed the amount allowable to the extent of the remainder of such excess.

For this purpose, the tax previously determined shall be determined under the principles of section 3801 (d), the only adjustments made in determining whether there would be an increase in tax shall be those resulting from the disallowance of the amount allowed, and the taxable years for which the determination is made shall be the taxable year for which the deduction was allowed and any other taxable year which would be affected by the disallowance of such deduction. Examples of such other taxable years are taxable years to which there was a carry-over or carry-back of a net operating loss or an unused excess-profits credit from the taxable year for which the deduction was allowed, and taxable years for which a computation under section 22 (b) (12) or section 127 was made by reference to the taxable year for which the deduction was allowed. In determining whether the disallowance of any part of the deduction would not have resulted in an increase in any tax previously determined, proper adjustment must be made for previous determinations under section 452, 734, or 3801, and for any previous application of section 113 (b) (1) (B) (ii).

If a determination under section 113 (b) (1) (B) (ii) must be made with respect to several properties for each of which the amount allowed for the taxable year exceeded the amount allowable, the tax-benefit amount allowed with respect to each of such properties shall be an allocated portion of the tax-benefit amount allowed determined by reference to the sum of the amounts allowed and the sum of the amounts allowable with respect to such several properties.

In the case of property held by a partnership or trust, the computation of the tax-benefit amount allowed shall take into account the tax benefit of the partners or beneficiaries, as the case may be, from the deduction by the partnership or trust of the amount allowed to the partnership or the trust. For this purpose, the determination of the amount allowed which resulted in a tax benefit to the partners or beneficiaries shall be made in the same manner as that provided above with respect to the taxes of the person holding the property.

A taxpayer seeking to limit the adjustment to basis to the tax-benefit amount allowed for any period, in lieu of the amount allowed, must establish the tax-benefit amount allowed. A failure of adequate proof as to the tax-benefit amount allowed with respect to one period does not preclude the taxpayer from limiting the adjustment to basis to the tax-benefit amount allowed with respect to another period for which adequate proof is available. For example, a corporate tranferee may have available adequate records with respect to the tax effect of the deduction for the taxable years 1946 and 1947 of erroneous depreciation, but may not have available adequate records with respect to the deduction of excessive depreciation for a prior period during which the property was held by its transferor. In such case, assuming a proper election is made under section 113 (d), the corporate transferee shall not be denied the right to apply this section with respect to the erroneous depreciation for the period for which adequate proof is available.

(6) *Determination of amount allowable in prior taxable years.* Under section 113 (b) (1) (B), one of the factors involved in determining the adjustment to basis as of any date is the amount allowable for periods prior to such date. The amount allowable for such prior periods is determined under the law applicable to such prior periods; all adjustments required by the law applicable to such periods are made in determining the adjusted basis of the property for the purpose of determining the amount allowable. Since provisions corresponding to the amendment to section 113 (b) (1) (B) made by Public Law 539 (82d Congress) are deemed included in all revenue laws applicable to taxable years ending after December 31, 1931, the amount allowable for any such taxable year must be computed with the application of such provisions. For example, if the adjusted basis of property is determined as of January 1, 1952, if an election was properly made under section 113 (d), and if the property was held since January 1, 1930, then the amount allowable which is taken into account in computing the adjusted basis as of January 1, 1952, shall be determined for all taxable years ending after December 31, 1931, with the application to each such taxable year of the provisions of section 113 (b) (1) (B) as amended by Public Law 539. Public Law 539 made no change in the law applicable in determining the amount allowable for taxable years ending before January 1, 1932. In any case in which, prior to the enactment of Public Law 539 (July 14, 1952) there was a final decision of a court determining the amount allowable for a particular taxable year, such determination (but only for the purpose of determining the adjustment under section 113 (b) (1) (B) by reference to such allowable amount) must be adjusted to the extent necessary to reflect the amendment made by Public Law 539 to the law applicable to the taxable year for which the amount was allowable.

Although Public Law 539 amends the law applicable to all taxable years ending after December 31, 1931, the amendment does not open for refund, credit, or assessment of a deficiency any taxable year for which such refund, credit, or assessment is barred by any law or rule of law.

(7) *Property with transferred basis.* The following rules apply in the determination of the adjustments to basis of property in the hands of a transferee, donee, or grantee which are required by section 113 (b) (2) with respect to the period the property was held by the transferor, donor or grantor:

(i) An election under section 113 (d) by a transferor, donor, or grantor made after the date of the transfer, gift, or grant of the property shall not affect the basis of such property in the hands of the transferee, donee, or grantee. Such an election made before the date of the transfer must be taken into account in determining under section 113 (b) (2) the adjustments to basis as of the date of the transfer, gift, or grant, whether or not an election under section 113 (d) was made by the transferee, donee, or grantee.

(ii) An election by the transferee, donee, or grantee shall be applicable in determining the adjustments to basis for the period during which the property was held by the transferor, donor, or grantor, whether or not the transferor, donor, or grantor had made an election: *Provided,* That the property was held by the transferee, donee, or grantee at any time on or before the date on which his election was made.

Example (1). The case of Corporation A discloses the following facts:

(1) Year	(2) Amount allowed	(3) Amount allowed which reduced taxpayer's taxes	(4) Amount allowable	(5) Amount allowable but not less than amount allowed	(6) Amount allowable but not less than amount allowed which reduced taxpayer's taxes
1949	$6,000	$5,500	$5,000	$6,000	$5,500
1950	7,000	7,000	6,500	7,000	7,000
1951	5,000	4,000	6,500	6,500	6,500
Total, 1949-51				19,500	19,000
1952	6,500	6,500	6,000		6,500
1953	5,000	4,000	4,000		4,000
1954	4,500	4,500	6,000		6,000
Total, 1952-54					16,500

The cost or other basis is to be adjusted by $16,500 with respect to the years 1952–1954, that is, by the amount allowable but not less than the amount allowed which reduced the taxpayer's taxes. An adjustment must also be made with respect to the years 1949–1951, the amount of such adjustment depending upon whether an election was properly made under section 113 (d). If no such election was made, the amount of the adjustment with respect to the years 1949–1951 is $19,500, that is, the amount allowed but not less than the amount allowable. If an election was properly made, the amount of the adjustment with respect to the years 1949–1951 is $19,000, that is, the amount allowable but not less than the amount allowed which reduced the taxpayer's taxes.

Example (2). Corporation A purchased a building on January 1, 1950, at a cost of $100,000. On the basis of the facts reasonably known to exist at the end of 1950, a period of 50 years should have been used as the correct useful life of the building; nevertheless, depreciation was computed by Corporation A on the basis of a useful life of 25 years, and was allowed for 1950 through 1953 as a deduction in an annual amount of $4,000. The building was sold on January 1, 1954. Corporation A did not make an election under section 113 (d). No part of the amount allowed Corporation A for any of the years 1950 through 1953 resulted in a reduction of Corporation A's taxes. The adjusted basis of the building as of January 1, 1954, is $88,166, computed as follows:

Year	Adjustments to basis as of beginning of taxable year	Adjusted basis	Remaining life	Depreciation allowable	Depreciation allowed
1950	----------	$100,000	50	$2,000	$4,000
1951	$4,000	96,000	49	1,959	4,000
1952	8,000	92,000	48	1,917	4,000
1953	9,917	90,083	47	1,917	4,000
1954	11,834	88,166	--------	--------	--------

Example (3). The facts are the same as in Example (2), except that Corporation A made a proper election under section 113 (d). In such case, the adjusted basis of the building as of January 1, 1954, is $92,000, computed as follows:

Year	Adjustments to basis as of beginning of taxable year	Adjusted basis	Remaining life	Depreciation allowable	Depreciation allowed
1950	----------	$100,000	50	$2,000	$4,000
1951	$2,000	98,000	49	2,000	4,000
1952	4,000	96,000	48	2,000	4,000
1953	6,000	94,000	47	2,000	4,000
1954	8,000	92,000	--------	--------	--------

Example (4). If it is assumed that in Example (2), or in Example (3), all of the deduction allowed Corporation A for 1953 had resulted in a reduction of A's taxes, the adjustment to the basis of the building for depreciation for 1953 would reflect the entire $4,000 deduction. In such case, the adjusted basis of the building as of January 1, 1954, would be $86,083 in Example (2), and $90,000 in Example (3).

Example (5). The facts are the same as in Example (2) except that for the year 1950 all of the $4,000 amount allowed Corporation A as a deduction for depreciation for that year resulted in a reduction of A's taxes. In such case, the adjustments to the basis of the building remain the same as those set forth in Example (2).

Example (6). The facts are the same as in Example (3) except that for the year 1950 all of the $4,000 amount allowed Corporation A as a deduction for depreciation resulted in a reduction of A's taxes. In such case, the adjusted basis of the building as of January 1, 1954, is $90,123, computed as follows:

Year	Adjustments to basis as of beginning of taxable year	Adjusted basis	Remaining life	Depreciation allowable	Depreciation allowed
1950	----------	$100,000	50	$2,000	$4,000
1951	$4,000	96,000	49	1,959	4,000
1952	5,959	94,041	48	1,959	4,000
1953	7,918	92,082	47	1,959	4,000
1954	9,877	90,123	--------	--------	--------

(C) By redesignating present paragraph (f) thereof beginning with the words "The cost or other basis shall also be decreased * * *" as paragraph (c) and by adding the following headnote: "(c) *Exhaustion, wear and tear, obsolescence, amortization, and depletion—periods prior to March 1, 1913.*"

(D) By redesignating present paragraph (g) thereof, which paragraph begins with the words "In the case of stock, * * *" as paragraph (d) and by adding the following headnote: "(d) *Certain stock distributions.*"

(E) By redesignating present paragraph (h) thereof, which paragraph begins with the words "In the case of stock of United States shareholders * * *", as paragraph (e) and by adding the following headnote: "(e) *Stock of United States shareholders of a foreign personal holding company.*"

(F) By redesignating present paragraph (i) thereof, which paragraph begins with the words "Adjustments must always be made * * *", as paragraph (f) and by adding the following headnote: "(f) *Other applicable rules.*".

(G) By removing the designation (j) from paragraph (j) so that the paragraph stands undesignated.

PAR. 3. There is inserted immediately after § 29.113 (c)–1 the following:

PUBLIC LAW 539 (82D CONGRESS)
[APPROVED JULY 14, 1952]

* * * * *

SEC. 2. Section 113 of the Internal Revenue Code (relating to basis of property) is hereby amended by adding at the end thereof the following new subsection:

(d) *Election in respect of depreciation, etc., allowed before 1952.* Any person may elect to have clause (ii) of subsection (b) (1) (B) apply in respect of periods since February 28, 1913, and before January 1, 1952. Such an election shall be made in such manner as the Secretary may by regulations prescribe, shall be irrevocable, and shall apply in respect of all property held by the person making the election at any time on or before the date on which the election was made and in respect of all periods since February 28, 1913, and before January 1, 1952, during which such person held such property or for which adjustments must be made under subsection (b) (2). An election by a transferor, donor, or grantor made after the date of the transfer, gift, or grant of property shall not affect the basis of such property in the hands of the transferee, donee, or grantee. No such election may be made after December 31, 1952.

SEC. 3. The amendments made by this Act shall apply in respect of taxable years beginning after December 31, 1938. Provisions having the effect of such amendments shall be deemed to have been included in the revenue laws respectively applicable to taxable years ending after December 31, 1931, and beginning before January 1, 1939.

§ 29.113 (d)–1 *Election as to amounts allowed in respect of depreciation, etc., before 1952*—(a) *In general.* Any person may elect to have the adjustments to the cost or other basis of property under section 113 (b) (1) (B) determined in accordance with clause (ii) of such section, by filing with the director or collector of internal revenue, on or before December 31, 1952, the written statement of election provided in paragraph (b) of this section. The statement must be filed with the collector or director with whom the return must be filed (determined under section 53 (b) as of December 31, 1952). Such election shall be irrevocable after December 31, 1952, and shall apply with respect to all periods since February 28, 1913, and before January 1, 1952. The election shall apply to all properties held by the person making the election at any time on or before the date of such election.

A taxpayer may include in an election filed before December 31, 1952, a statement that the election shall take effect when filed, and in such case the election shall be irrevocable on the date filed, and shall not apply to any property acquired by the taxpayer after such date. If an election is made before December 31, 1952, and does not contain such statement, the election may be revoked by filing on or before December 31, 1952, in the same office in which the election was filed, a statement of revocation executed in the same manner as the election. Such an election made before December 31, 1952, and not revoked on or before that date, shall be deemed made on December 31, 1952, and shall apply to all property held by the taxpayer at any time on or before such date.

A copy of the written statement of election must be filed with the first income tax return, amended return, or claim for refund filed on or after the date on which the election is made.

An election by a partner is not an election by the partnership of which he is a member, but a separate election must be made by the partnership. Similarly, an election by the partnership applies only with respect to the partnership, and is not applicable to the separate property of the partners. A similar rule applies with respect to elections by trusts and beneficiaries of such trusts.

An election which conforms in substance to the provisions of this section shall not be deemed invalid solely because it was filed prior to the date on which the regulations in this section were promulgated.

(b) *Rules applicable to making of election.* The following rules are applicable to the making of an election under section 113 (d):

(1) *Form of election.* The election shall be in the form of a statement in writing addressed to the collector or director of internal revenue with whom filed, shall state the name and address of the taxpayer making the election, and shall contain a statement that such taxpayer elects to have the provisions of section 113 (b) (1) (B) (ii) apply in re-

spect of all periods since February 28, 1913, and before January 1, 1952.

(2) *Signature.* The statement shall be signed by the taxpayer making the election, if an individual, or, if the taxpayer making the election is not an individual, the statement shall be executed in the same manner as is required in the case of the income tax return of such taxpayer.

(3) *Filing.* The written statement must be filed in the office of the collector or director of internal revenue on or before December 31, 1952. An election shall be considered as timely filed if it is placed in the mail on or before midnight of December 31, 1952, as shown by the postmark on the envelope containing the written statement of election or as shown by other available evidence of the mailing date.

The amendments to § 29.113 (b) (1)–1 of Regulations 111, covering taxable years beginning after December 31, 1941, set forth in this Treasury decision, are hereby made applicable to taxable years begining after December 31, 1931, and before January 1, 1942 (such years being covered by Regulations 77, 85, 94, 101, and 103).

[F. R. Doc. 52–12585; Filed, Nov. 25, 1952; 8:49 a. m.]

[26 CFR Part 40]

Income and Excess Profits Taxes

Excess Profits Credit Based on Income in Connection With Certain Exchanges

Notice is hereby given pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the Federal Register. The proposed regulations are to be issued under the authority contained in section 62 of the Internal Revenue Code (53 Stat. 32; 26 U. S. C. 62).

[SEAL] Justin F. Winkle,
Acting Commissioner of Internal Revenue.

In order to conform Part II of Regulations 130 (26 CFR, Part 40) to Title V of the Revenue Act of 1951 (other than section 521 of that act), approved October 20, 1951, with respect to the excess profits credit based on income in connection with Part II transactions, such regulations are amended as follows:

Paragraph 1. There is inserted immediately preceding § 40.461–1, as added by Treasury Decision 5865, approved November 13, 1951, the following:

Sec. 509. Alternative average base period net income (Revenue Act of 1951, approved October 20, 1951).

* * * * *

(b) *Technical amendments.*

* * * * *

(2) Section 461 (relating to definitions for purposes of part II) is hereby amended by inserting at the end thereof the following new subsection:

(g) *Application of section 442 (h).* For the purpose of this part, the reference to section 442 (c) in any section in this part shall be deemed a reference to section 442 (c) or (h).

Sec. 519. Television broadcasting companies (Revenue Act of 1951, approved October 20, 1951).

Section 459, as added by section 516 to 518 of this Act, is hereby amended by adding after subsection (c) thereof the following new subsections:

(d) *Television broadcasting companies.*

* * * * *

(6) *Application of Part II.* The Secretary shall prescribe regulations for the application of Part II for the purpose of this subsection in the case of an acquiring corporation or a component corporation in a transaction described in section 461 (a) which occurred prior to January 1, 1951.

* * * * *

Sec. 523. Effective date of title V (Revenue Act of 1951, approved October 20, 1951).

* * * the amendments made by this title (including sections 509 and 519) shall be applicable only with respect to taxable years ending after June 30, 1950.

Par. 2. Section 40.461–6, as added by Treasury Decision 5865, is amended by changing the phrase "section 442 (c)" in (b) (1) thereof to read as follows: "section 442 (c) or (h)".

Par. 3. Section 40.461–7, as added by Treasury Decision 5865, is hereby amended by adding at the end thereof the following new paragraphs (d) and (e):

(d) *Average base period net income determined with partial reference to section 435 (d).* The last two sentences of section 435 (d) as added by section 503 of the Revenue Act of 1951 (relating to a substitute 48-month period in lieu of the base period) are inapplicable for the purpose of any computations other than the determination of the average base period net income under the general average method of section 435 (d). Thus, in determining an alternative average base period net income under sections 442 (c), 442 (h) or 459 (d), with respect to a Part II transaction, the base period of the taxpayer and not the substitute 48-month period shall be used in computing the excess profits net income of such taxpayer.

(e) *Non-availability of section 459 in the case of a Part II transaction.* A corporation which was a party to a Part II transaction at any time during or after its base period shall not be entitled to determine its average base period net income, for the purpose of determining its excess profits credit for any taxable year ending after the date of the Part II transaction, under any subsection of section 459 other than subsection (d) of such section. The determination of the average base period net income of a corporation which was a party to a Part II transaction may be made with reference to section 459 (d) only in the case of a Part II transaction occurring prior to January 1, 1951. For computations under Part II with reference to section 459 (d), see § 40.461–8.

Par. 4. There is added immediately after § 40.461–7, as added by Treasury Decision 5865, the following:

§ 40.461–8 *Rules for application of section 459 (d) under Part II*—(a) *In general.* Every corporation engaged in the business of television broadcasting throughout a period beginning before January 1, 1951, and ending with the close of the taxable year, which is a party to a Part II transaction occurring before January 1, 1951, whether as an acquiring corporation or as a component corporation, may compute its excess profits credit based on income with reference to section 459 (d) and to § 40.462–15. The provisions of the regulations under Part II applicable in the case of a taxpayer computing its excess profits credit with reference to section 435 (d) (the general average method for determining average base period net income) shall also be applicable to a taxpayer computing its excess profits credit under Part II with reference to section 459 (d), except as otherwise specifically provided in §§ 40.462–15, 40.463–1 (g), and 40.464–1 (f).

Par. 5. There is inserted immediately preceding § 40.462–1, as added by Treasury Decision 5865, the following:

Sec. 504. Average base period net income—alternative based on growth in case of new corporations (Revenue Act of 1951, approved October 20, 1951).

* * * * *

(b) *Amendment of Part II.* Section 462 (c) (relating to the use by an acquiring corporation in a Part II transaction of an alternative average base period net income based on growth) is hereby amended as follows:

(1) By amending paragraph (1) thereof to read as follows:

(1) In the case of a transaction described in section 461 (a), other than a transaction described in section 461 (a) (1) (E)—

(A) The acquiring corporation shall not be denied the right to determine whether it is eligible for the benefits of section 435 (e) without reference to the recomputation of its excess profits net income provided for in section 462 (b) where the transaction occurred on or after July 1, 1950, but it shall be denied such right where the transaction occurred prior to July 1, 1950.

(B) Where, immediately prior to the date of the transaction, the acquiring corporation and all the component corporations (other than a corporation created incident to such transaction) met the requirements of section 435 (e) (1) (A) (i), and, in case the transaction occurred on or after July 1, 1950, had commenced business prior to the beginning of its base period (determined without reference to section 461 (d)), the acquiring corporation shall be entitled to compute its average base period net income under section 435 (e) with reference to the recomputation of its excess profits net income provided for in section 462 (b) if the tests of section 435 (e) are satisfied. For that purpose, the acquiring corporation shall combine with its total payroll and its total gross receipts for that portion of its base period which preceded such transaction the total payroll and total gross receipts of such component corporations for that portion of such period and it shall combine with its net sales for that portion of the period prior to January 1, 1951, which preceded such transaction the net sales of such component corporations for that portion of such period. The allocation of payroll and gross receipts amounts of a component corporation to any such portion

of such period shall be made in accordance with the rules provided in section 435 (e) (4) and (5). For purposes of qualifying under section 435 (e) (1) (A) (i) (relating to total assets of the taxpayer), such acquiring corporation shall combine its total assets on the date specified in section 435 (e) (1) (A) (i) with the total assets of each component corporation on such date. The Secretary shall prescribe by regulations such rules as may be necessary to insure that such combined total gross receipts do not reflect a duplication for purposes of this section.

(C) Where, immediately prior to the date of the transaction, either the acquiring corporation or one or more component corporations (other than a corporation created incident to such transaction) did not meet the requirements of section 435 (e) (1) (A) (i), or, in case the transaction occurred on or after July 1, 1950, had not commenced business prior to the beginning of its base period (determined without reference to section 461 (d)), the acquiring corporation shall not be entitled to compute its average base period net income under section 435 (e) with reference to the recomputation of its excess profits net income provided for in section 462 (b). In any such case, where the transaction occurred on or after July 1, 1950, the monthly excess profits net income of the corporation entitled to the benefits of section 435 (e) for any month of the acquiring corporation's base period shall be, for purposes of the recomputation provided for in section 462 (b), one-twelfth of the average base period net income to which such corporation was entitled under section 435 (e), and such monthly excess profits net income shall be in lieu of the monthly excess profits net income determined under paragraphs (1) and (2) of section 462 (b).

(2) By striking from the second sentence of paragraph (2) thereof the words: "had commenced business prior to the beginning of its base period (determined without reference to section 461 (d)) and".

(3) By striking from paragraph (3) thereof the words "which had commenced business prior to the beginning of its base period" and by inserting in lieu thereof the following: "which had commenced business prior to the end of its base period".

SEC. 523. EFFECTIVE DATE OF TITLE V (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * the amendments made by this title (including section 504) shall be applicable only with respect to taxable years ending after June 30, 1950.

PAR. 6. Section 40.462–1, as added by Treasury Decision 5865, is amended as follows:

(A) By changing the third sentence of paragraph (a) (1) to read as follows: "If computed with reference to section 462 (b), the excess profits net income of the acquiring corporation shall be the excess profits net income or deficit in excess profits net income for each month of the acquiring corporation's base period as defined in section 435 (b) (or the 48-month period prescribed in section 435 (d), if such period is available to the acquiring corporation), increased or decreased, as the case may be, by the addition or reduction resulting from including the excess profits net income or deficit in excess profits net income for that month of all component corporations in the manner provided in section 462 (b)."

(B) By changing the phrase "computed under section 442 (c) and (d)" in (a) (3) thereof to read as follows: "computed under section 442 (c), (d), or (h)".

(C) By inserting in the first sentence of paragraph (b) (1) (i) after the words "in the base period of the acquiring corporation" the following: "(or the 48-month period prescribed in section 435 (d), if applicable)".

(D) By inserting in the first sentence of paragraph (b) (1) (iii) after the words "the acquiring corporation's base-period" the following: "(or the 48-month period prescribed in section 435 (d), if applicable)".

PAR. 7. Section 40.462–2, as added by Treasury Decision 5865 is amended as follows:

(A) By amending (b) (1) (i) (*b*) thereof to read as follows:

(*b*) (*1*) If the Part II transaction occurs before July 1, 1950, if the acquiring corporation recomputes its excess profits net income under section 462 (b), and if the acquiring corporation qualifies under the rules of section 435 (e) (1) (A) after applying the rules set forth in subdivision (ii) of this subparagraph; or

(2) If the Part II transaction occurs after June 30, 1950, if the acquiring corporation (other than a corporation created incident to such transaction) and all the component corporations actually commenced business prior to the beginning of the acquiring corporation's base period, if the acquiring corporation recomputes its excess profits net income under section 462 (b), and if the acquiring corporation qualifies under the rules of section 435 (e) (1) (A) after applying the rules set forth in subdivision (ii) of this subparagraph.

(B) By amending (b) (2) (i) (*b*) and (c) thereof by striking from the phrase "and all component corporations actually commenced business prior to the beginning of the acquiring corporation's base period" the word "beginning" and substituting in lieu thereof the word "end".

(C) By amending paragraph (c) (1) (i) (*b*) thereof by striking therefrom the following: "If the component corporation actually commenced business prior to the beginning of its base period, and".

(D) By amending paragraph (c) (2) (i) (*b*) thereof by striking therefrom the following: "If the component corporation actually commenced business prior to the beginning of its base period,".

PAR. 8. Section 40.462–4, as added by Treasury Decision 5865, is amended as follows:

(A) By amending paragraph (a) (1) by changing the phrase "under section 442 (c) or (d)" in the first sentence thereof to read as follows: "under section 442 (c), (d), or (h)", and by striking from such sentence the word "either".

(B) By amending paragraph (a) (1) (i) thereof by changing the phrase "for the purpose of section 442 (c) or (d)" to read as follows: "for the purpose of section 442 (c), (d), or (h)".

(C) By amending paragraph (a) (1) (ii) thereof by changing the phrase "under section 442 (a)" to read as follows: "under section 442 (a) or (h)".

(D) By amending paragraph (a) (2) by changing the phrase "under section 442 (c) or under section 442 (d)" in the first sentence thereof to read as follows: "under section 442 (c) or (h) or under section 442 (d)".

(E) By amending paragraph (a) (2) (i) thereof by inserting therein the phrase "or under section 442 (h) (2) (B) (to the extent made available under section 442 (h) (2) (D))", and the phrase "or (h), respectively," so that as amended such provision will read as follows:

(i) The substitute excess profits net income for any month identified under section 442 (c) (1) and (3) or under section 442 (h) (2) (B) (to the extent made available under section 442 (h) (2) (D)), of any corporation entitled to the benefits of section 442 (c) or (h), respectively, immediately prior to the transaction shall be considered the excess profits net income of that corporation for such month;

(F) By amending paragraph (b) (1) thereof by changing the phrase "under section 442 (c) or (d)" to read as follows: "under section 442 (c), (d), or (h)", and by striking therefrom the word "either".

(G) By amending paragraph (b) (2) thereof by changing the phrase "under section 442 (c) or under section 442 (d)" to read as follows: "under section 442 (c) or (h) or under section 442 (d)".

PAR. 9. Section 40.462–9 (a) (1), as added by Treasury Decision 5865, is amended by changing the phrase "or substitute excess profits net income if computed under section 442 (c)" to read as follows: "or substitute excess profits net income if computed under section 442 (c) or (h)".

PAR. 10. There is added immediately after § 40.462–14, as added by Treasury Decision 5865, the following:

§ 40.462–15 *Alternative average base period net income under section 459 (d)*—(a) *Part II transactions other than a transaction described in section 461 (a) (1) (E).* In the case of a Part II transaction occurring before January 1, 1951, other than a transaction described in section 461 (a) (1) (E), the acquiring corporation shall be entitled to determine its average base period net income under section 459 (d) in the manner provided therein after the application of the rules provided in subdivisions (1), (2), (3) and (4) of this paragraph if the requirements of section 459 (d) are satisfied after the application of such rules. The rules referred to in this paragraph are as follows:

(1) For this purpose, the base period experience of the component corporation prior to the date of the transaction shall be attributed to the acquiring corporation as if the business, or businesses, the assets, and the other items of the component corporation during the period prior to the transaction were those of the acquiring corporation.

(2) In applying the rule of subdivision (1) of this paragraph, proper adjustment as to each item shall be made to prevent duplication, including the elimination of such portion of any item with respect to the component corporation or the acquiring corporation as is attribut-

able to transactions between either such component corporation and the acquiring corporation or such component corporation and another component corporation.

(3) In determining under the rules of subdivisions (1) and (2) of this subparagraph the total assets for any day prior to the date of the Part II transaction, the provisions of section 470 shall be applicable with respect to the assets of the component corporation if such section is applicable to the Part II transaction.

(4) The principles of § 40.461–3 (c) shall be applicable not only with respect to excess profits net income but also with respect to all other factors involved in the computation.

(b) *Part II transactions described in section 461 (a) (1) (E).* In the case of a part II transaction described in section 461 (a) (1) (E) which occurred prior to January 1, 1951, the provisions of paragraph (a) of this section shall be applicable except that there shall be available to the acquiring corporation in determining its average base period net income under section 459 (d) only such portion of each item of the component corporation's base period experience prior to the transaction as is allocable to the properties of such component corporation transferred to the acquiring corporation, determined under section 462 (i) (6) and § 40.462–9 (b). The acquiring corporation may apply section 459 (d) only if section 462 (i) (6) and § 40.462–9 (b) are applicable to such corporation. For special rules with respect to a Part II transaction described in section 461 (a) (1) (E) involving a transfer to an acquiring corporation not created incident to the transaction, or involving a transfer by more than one component corporation to an acquiring corporation, see § 40.461–7 (b).

(c) *Other applicable rules.* (1) If the stock in the component corporation is acquired by the acquiring corporation under circumstances requiring an adjustment under the principles of section 462 (j) (1) and § 40.462–10, the following rules shall apply subject to the principles of such sections.

(i) The base period experience of the component corporation shall, for the purpose of the determination under section 459 (d) (2) (A), be excluded to the extent attributable to such stock.

(ii) For the purpose of the determination of the individual rate of return under section 459 (d) (4), the base period experience of the component corporation attributable to the business of radio broadcasting (including total assets so attributable) shall be excluded for the period prior to the acquisition of such stock to the extent attributable to such stock.

(iii) If the acquisition of the stock occurs after the date as of which the ratio specified in section 459 (d) (5) is determined, then, such ratio shall, to the extent the assets used in the television broadcasting business are attributable to such stock, be determined and be applied as of the date of the acquisition of the stock. See also subparagraph (2) of this paragraph.

(2) For the purpose of the determination under section 459 (d) (2) (A), the provisions of section 459 (d) (5) shall (subject to the rule of subparagraph (1) (iii) of this paragraph, if applicable) be applied to the combined base period experience of the acquiring corporation and the component corporation, that is, the ratio under section 459 (d) (5) shall be determined (whether for a date prior to or after the Part II transaction) on the basis of the total assets of both corporations, and the ratio shall be applied to the excess profits net income of the acquiring corporation as determined under this section with reference to the component corporation. See paragraph (a) (1) and (3), of this section.

(3) If the Part II transaction occurred in a taxable year of the acquiring corporation ending after June 30, 1950, proper adjustment shall be made, under the principles of § 40.462–11, in determining the excess profits credit for such taxable year so that the benefit to the acquiring corporation from the application of section 459 (d) with respect to the component corporation shall be reduced to an amount which is such portion thereof as the number of days in the taxable year after the transaction is of the total number of days in such taxable year.

(4) For other applicable rules, see, in general, § 40.461–8.

PAR. 11. Section 40.463–1, as added by Treasury Decision 5865, is amended as follows:

(A) By adding after paragraph (b) (8) the following:

(9) For the purpose of section 435 (g) (8) (relating to adjustments for changes in inadmissible assets in case of banks) the original total assets, the average total assets, and the increase or decrease in total assets of the taxpayer shall be determined under the rules provided in this section for the determination of original inadmissible assets, average inadmissible assets, and the increase or decrease in inadmissible assets, as if the rules had reference to all assets, whether admissible or inadmissible assets as defined in section 440.

(10) For the purpose of section 435 (g) (10), the determination of an increase in operating assets shall be made under the rules provided in this section for the determination of an increase in inadmissible assets.

(B) By adding after the second sentence of (d) (2) the following: "In the computation for this purpose, section 445 (c) provides that the net capital addition or reduction shall be computed without regard to the limitation to 75 percent provided in section 435 (g) (3) (C) and section 435 (g) (4) (C) and (E);"

(C) By striking the words "and (8)" in paragraph (f) (1) (iii) and inserting in lieu thereof the following: "(8), (9), and (10)".

(D) By inserting at the end thereof the following:

(g) *Application of section 459 (d).* If the average base period net income is computed with reference to section 459 (d), the net capital addition or reduction computed under this section shall be adjusted in the manner required by section 459 (d) and the regulations thereunder. For the purpose of such adjustment, the principles of § 40.462–15 (a) (1) shall be applicable.

PAR. 12. Section 40.464–1, as added by Treasury Decision 5865, is amended as follows:

(A) By amending the phrase appearing in paragraph (a) (1) thereof and reading "under section 442 (c) with reference to section 462 (d)" to read as follows: "under section 442 (c) or (h) with reference to section 462 (d)".

(B) By adding immediately after the third sentence of paragraph (a) (1) thereof the following: "No base period capital addition shall be allowed the acquiring corporation with respect to any corporation a party to the Part II transaction (whether the acquiring or component corporation) the monthly excess profits net income of which is computed under section 435 (e) and section 462 (c) (1) (C) (see § 40.462–2 (b) (1) (iii) and § 40.462–2 (b) (2) (iii)); or, except to the extent provided by section 435 (f) (3), if the monthly excess profits net income of the corporation is computed under section 442 (c), (d), or (h) and section 462 (d) (2) (B) (see § 40.462–4 (a) (2) and § 40.462–4 (b) (2))."

(C) By inserting at the end thereof the following:

(f) *Application of section 459 (d).* If the average base period net income is computed with reference to section 459 (d), the base period capital addition computed under this section shall be adjusted in the manner required by section 459 (d) and the regulations thereunder. For the purpose of such adjustment, the principles of § 40.462–15 (a) (1) shall be applicable.

[F. R. Doc. 52–12586; Filed, Nov. 25, 1952; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 20, 21, 22, 24, 25, 26, 27, 33, 34, 35, 51]

REQUIREMENTS FOR DISPLAY OF AIRMAN IDENTIFICATION CARDS AND ACCEPTABILITY OF ARMED FORCES CARDS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments to Parts 20, 21, 22, 24, 25, 26, 27, 33, 34, 35, and 51 of the Civil Air Regulations in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by December 26, 1952. Copies of such communications will be available after December 30, 1952, for examination by

interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

At the present time the Civil Air Regulations provide that the holder of an airman certificate issued under the provisions of a particular part shall not exercise the privileges conferred by such certificate unless he has "in his possession" a current airman identification card. In the administration of these provisions the Civil Aeronautics Administration has encountered certain difficulties due to an ambiguity as to whether or not the identification card must be carried on the person. In view of the fact that other sections of the Civil Air Regulations specify that airman and medical certificates must be in the personal possession of a flight crew member, or readily available in the case of other airmen, the language presently used may be interpreted contrary to the intent of the Board. In order that this ambiguity be removed, it is proposed that the airman identification card provisions be brought into conformity with the present requirements in the airman parts for the carrying of airman and medical certificates.

On July 11, 1951, several sections of the Civil Air Regulations were amended to provide that other identification cards acceptable to the Administrator could be used in lieu of the identification cards issued by the Administrator. The purpose of this provision was to permit persons possessing identification cards such as those issued by the various branches of the armed forces to use such cards in lieu of the identification cards provided for by the regulations. The Administrator has recently announced that armed forces identification cards are acceptable to him for such purpose. Since this provision was not originally made applicable to Parts 22, 25, 26, and 51, the Civil Aeronautics Administration has now requested that these parts contain similar provision, and the Bureau is in agreement with such extension. It should be noted that Part 26 will accordingly no longer restrict military identification card use to joint military-civil tower use.

These proposed amendments are interpretive or minor in nature and do not require notice and public procedure. The Bureau, however, desires to give all interested persons as much notice as possible so that they may again be informed of the identification provisions and their interpretation. It is for this reason that notice and public procedure hereon are allowed.

Accordingly, it is proposed to amend the identification provisions of Parts 20, 21, 22, 33, 34, and 35 of the Civil Air Regulations to require "personal possession," i. e., carriage on the person, of the necessary identification card while exercising the privileges of an airman certificate issued under one of such parts.

It is also proposed to amend the identification provisions of Parts 24, 25, 26, 27, and 51 of the Civil Air Regulations to allow the identification card to be kept "readily available" rather than in the personal possession of the holder while exercising the privileges of an airman certificate issued under one of such parts.

It is further proposed to amend the identification provisions of Parts 22, 25, 26, and 51 to allow the use of identification cards acceptable to the Administrator in lieu of identification cards issued by the Administrator.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposals may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012; 49 U. S. C. 551–560; 62 Stat. 1216)

Dated November 20, 1952, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 52–12584; Filed, Nov. 25, 1952; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 8]

[Docket No. 10329]

PRACTICE AND PROCEDURE; STATIONS ON SHIPBOARD IN MARITIME SERVICE

ORDER EXTENDING TIME FOR FILING COMMENTS

In the matter of proposed revision of FCC Form 501, Application for Ship Radio Station License, etc., Docket No. 10329.

The Commission having on October 15, 1952, adopted a notice of proposed rule making in the above entitled matter, in which November 7, 1952, was designated as the last day by which original comments in the proceeding were to be filed, and November 17, 1952, as the last day for filing comments in reply to original comments, and the National Federation of American Shipping, Inc., having applied for an extension of time until November 21, 1952, within which to file original comments in this proceeding; and

It appearing, that it would be in the public interest for the record in this proceeding to include the comments of the National Federation of American Shipping, Inc., which represents a considerable portion of the ocean going merchant vessel shipping affected by the proposals in this proceeding; and

It further appearing, that the National Federation of American Shipping, Inc., will not be able to submit its comments prior to November 21, 1952, owing to its inability to resolve and coordinate conflicting comments submitted to it by its membership before that date; and

It further appearing, that the additional time requested for filing comments will not prejudice the rights of any interested person:

It is ordered, That, effective immediately, the final date for reception of written comments in connection with the above-captioned proceeding is hereby extended to November 21, 1952; and

It is further ordered, That the time within which to file comments in reply thereto is hereby extended to November 28, 1952.

Adopted: November 7, 1952.

Released: November 14, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–12582; Filed, Nov. 25, 1952; 8:48 a. m.]

[47 CFR Part 2]

[Docket No. 10200]

FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

DOMESTIC FIXED SERVICE; ORDER EXTENDING TIME FOR FILING COMMENTS

In the matter of amendment of § 2.104 (a) (1) (d) of Part 2 of the Commission's rules and regulations to delete certain uses by the Domestic Fixed Service of frequencies below 25 Mc for purposes other than the safety of life and property, Docket No. 10200.

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of November 1952:

The Commission having under consideration the petition filed on October 31, 1952 in the above entitled proceedings by the State of California, requesting an extension of time in which to file further comments directed to the Commission's further notice of proposed rule making in this docket from November 10, 1952, to December 19, 1952;

It appearing, that good and sufficient reasons have been advanced by the State of California in its petition for an extension of time in which to file comments, and that the public interest would be served by a grant of said petition:

It is ordered, That the time for filing comments in the above entitled proceedings is hereby extended from November 10, 1952, to December 19, 1952.

Released: November 12, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–12576; Filed, Nov. 25, 1952; 8:48 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NEBRASKA; SOUTH DAKOTA

SALE OF MINERAL INTERESTS; REVISED AREA DESIGNATION

Schedule A, entitled Fair Market Value Areas, and Schedule B, entitled One Dollar Areas, accompanying the Secretary's order dated June 26, 1951 (16 F. R. 6318), are amended as follows:

In Schedule A, under Nebraska, in alphabetical order, add the county "York"; under South Dakota, in alphabetical order, add the county "Roberts."

In Schedule B, under Nebraska, delete the county "York"; under South Dakota, delete the county "Roberts."

(Sec. 3, Public Law 760, 81st Congress)

Done at Washington, D. C., this 24th day of November 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-12653; Filed, Nov. 25, 1952; 11:29 a. m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order 150-20]

BUREAU OF INTERNAL REVENUE REORGANIZATION

ABOLITION AND ESTABLISHMENT OF CERTAIN OFFICES

Bureau of Internal Revenue reorganization. Abolition of offices of Collectors and Deputy Collectors of California, Hawaii, and Nevada Collection Districts; establishment of offices of District Commissioner and Directors of Internal Revenue.

By virtue of the authority vested in me as Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and Reorganization Plan No. 1 of 1952:

1. *Abolition of existing offices.* The abolition of the offices of Collector of Internal Revenue and Deputy Collector for the First and Sixth Collection Districts of California and the Collection Districts of Hawaii and Nevada shall become effective as of 12 o'clock midnight, November 25, 1952.

2. *Establishment of District Commissioner.* Effective as of 12:01 a. m., November 26, 1952, there is hereby established an office of District Commissioner of Internal Revenue, which shall be known as the Los Angeles District, and which shall be comprised of California and Nevada and the Territory of Hawaii.

3. *Location of headquarters.* The headquarters office shall be located in the City of Los Angeles, California.

4. *Establishment of offices of Director of Internal Revenue.* Effective as of 12:01 a. m., November 26, 1952, there are hereby created the following offices within the Los Angeles District:

(a) Director of Internal Revenue for the First Collection District of California (as presently constituted). The headquarters of such office shall be located in San Francisco, California, and the office shall have the operating title of Director of Internal Revenue, San Francisco.

(b) Director of Internal Revenue for the Sixth Collection District of California (as presently constituted). The headquarters of such office shall be located in Los Angeles, California, and the office shall have the operating title of Director of Internal Revenue, Los Angeles.

(c) Director of Internal Revenue for the Collection District of Hawaii (as presently constituted). The headquarters of such office shall be located in Honolulu, Territory of Hawaii, and the office shall have the operating title of Director of Internal Revenue, Honolulu.

(d) Director of Internal Revenue for the Collection District of Nevada (as presently constituted). The headquarters of such office shall be located in Reno, Nevada, and the office shall have the operating title of Director of Internal Revenue, Reno.

Dated: November 21, 1952.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 52-12646; Filed, Nov. 25, 1952; 10:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043, and June 2, 1952; 17 F. R. 3818).

Associated Garment Co., 18 South Popla Street, Pana, Ill., effective 11-20-52 to 11-19-53; 10 learners (dresses).

Blue Bell, Inc., Arab, Ala., effective 11-14-52 to 5-9-53; 35 additional learners for expansion purposes (supplemental certificate) (western pants).

Blue Ridge Manufacturers, Inc., Petersburg, Va., effective 11-14-52 to 11-13-53; 10 percent of the productive factory force (dungarees).

Blue Ridge Manufacturers, Inc., Christiansburg, Va., effective 11-14-52 to 11-13-53; 10 percent of the productive factory force (dungarees).

Champion Garment Co., Ltd., 100½ West Second Avenue, Rome, Ga., effective 11-14-52 to 11-13-53; 10 percent of the productive factory force (men's and boys' dress and semidress slacks).

Cluett, Peabody & Co., Inc., 2022 Murphy Avenue SW., Atlanta, Ga., effective 11-15-52 to 11-14-53; 10 percent of the productive factory force (white shirts).

Cluett, Peabody & Co., Inc., Bremen, Ga., effective 11-19-52 to 11-18-53; 10 percent of the productive factory force (white shirts).

B. F. Davis Garment Co., Inc., 3002 Royal Street, New Orleans, La., effective 11-17-52 to 11-16-53; 10 learners (dungarees and pants).

Daviston Manufacturing Co., Daviston, Ala., effective 11-10-52 to 5-9-53; 12 learners for expansion purposes (youth dresses).

Duquesne Manufacturing Co., 852 Stanton Avenue, New Kensington, Pa., effective 11-17-52 to 11-14-53; 10 learners (replacement certificate) (dresses, aprons, and smocks).

Finesilver Manufacturing Co., 816 Camaron Street, San Antonio, Tex., effective 11-21-52 to 11-20-53; 10 percent of the productive factory force (dungarees, pants, and shirts).

The Joanie Jan Co., Walnut Ridge, Ark., effective 11-17-52 to 5-16-53; 20 learners for expansion purposes (wash frocks).

Kentucky Pants Co., 117 North Race Street, Glasgow, Ky., effective 11-16-52 to 11-15-53; 10 percent of the productive factory force (work pants).

Lee Ray Sportswear Co., Dover, Pa., effective 11-22-52 to 11-21-53; five learners (jackets).

Maiden Form Brassiere Co., Inc., Main Street and Monticello Avenue, Clarksburg, W. Va., effective 11-15-52 to 5-14-53; 48 learners for expansion purposes (brassieres).

Maiden Form Brassiere Co., Inc., Main Street and Monticello Avenue, Clarksburg, W. Va., effective 11-15-52 to 11-14-53; 10 percent of the productive factory force (brassieres).

Manhattan Shirt Co., Middletown, N. Y., effective 11-23-52 to 11-22-53; 10 percent of the productive factory force (shirts).

Newport News Children's Dress Co., 824 South Thirty-ninth Street, Newport News, Va., effective 11-17-52 to 11-16-53; 10 percent of the productive factory force or 10 learners, whichever is greater (children's and girls' dresses).

Oberman Manufacturing Co., Harrison, Ark., effective 11-17-52 to 11-16-53; 10 percent of the productive factory force (pants).

Reliance Manufacturing Co., "Blue Ridge" Factory, 629 Tenth Street, Huntington, W. Va., effective 11-15-52 to 11-14-53; 10 percent of the productive factory force (dresses).

Reliance Manufacturing Co., "Central" Factory, Columbus, Ind., effective 11-17-52 to 11-16-53; 10 percent of the productive factory force (men's and boys' jackets).

Scranton Pants Manufacturing Co., 614 Wyoming Avenue, Scranton, Pa., effective 11-24-52 to 11-23-53; 10 percent of the productive factory force (trousers).

Shane Manufacturing Co., Inc., 2015 West Maryland Street, Evansville 7, Ind., effective

11–16–52 to 11–15–53; 10 percent of the productive factory force (cotton work clothing).

I. Taitel & Son, Drew, Miss., effective 11–13–52 to 4–14–53; 20 additional learners for expansion purposes (supplemental certificate) (jackets and work pants).

Willards Shirt Co., Willards, Md., effective 11–29–52 to 11–28–53; 10 percent of the productive factory force (work shirts).

Woods Manufacturing Co., 202 Garrison Avenue, Fort Smith, Ark., effective 11–14–52 to 11–13–53; 10 percent of the productive factory force or 10 learners, whichever is greater (men's and boys' trousers).

Wyoming Valley Garment Co., 212 South Washington Street, Wilkes-Barre, Pa., effective 11–17–52 to 11–16–53; 10 learners (trousers).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended October 27, 1952; 17 F. R. 8633).

I. Lewis Cigar Manufacturing Co., Second and Washington Streets, Steelton, Pa., effective 11–21–52 to 11–20–53; 10 percent of the productive factory workers engaged in the learner occupations; cigar machine operating, 320 hours, packing (cigars retailing for over 6 cents), 320 hours (cigars retailing for 6 cents or less), 160 hours, machine stripping, 160 hours; each 65 cents per hour.

John H. Swisher & Son, Inc., 501 East Sixteenth Street, Jacksonville, Fla., effective 11–10–52 to 11–9–53; 10 percent of the productive factory workers engaged in the learner occupations; cigar machine operating, 320 hours, cigar packing (cigars retailing for over 6 cents), 320 hours (cigars retailing for 6 cents or less), 160 hours, machine stripping, 160 hours; each 65 cents per hour.

John H. Swisher & Son, Inc., 600 Haines Avenue, Waycross, Ga., effective 11–17–52 to 11–16–53; 10 percent of the productive factory workers engaged in the learner occupations; cigar machine operating, 320 hours, cigar packing (cigars retailing for 6 cents or less), 160 hours, machine stripping, 160 hours; each 65 cents per hour.

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6888).

Ross Glove Co., 1032 Alabama Avenue, Sheboygan, Wis., effective 11–14–52 to 11–13–53; 10 percent of the productive factory workers engaged in hand and machine stitching operations (leather dress gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

Great American Knitting Mills, Inc., Bechtelsville and Bally, Pa., effective 11–17–52 to 1–24–53; 5 percent of the productive factory force (replacement certificate).

Villa Rica Hosiery Mills, Villa Rica, Ga., effective 11–19–52 to 11–18–53; 5 percent of the productive factory force.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

Citizen's Mutual Telephone Co., Bloomfield, Davis County, Iowa, effective 11–13–52 to 11–12–53 (replacement certificate).

The Citizen's Mutual Telephone Co., Davis County, Iowa, effective 11–13–52 to 11–12–53.

West Iowa Telephone Co., Marcus, Iowa, effective 11–17–52 to 11–16–53.

West Iowa Telephone Co., Remsen, Iowa, effective 11–17–52 to 11–16–53.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Wilson Manufacturing Co., 40 North Second Street, Philadelphia, Pa., effective 11–17–52 to 5–16–53; 10 learners for expansion purposes (children's underwear, infants' underwear).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952; 17 F. R. 1500).

Rex Shoe Co., Inc., 1950 Wyoming Avenue, Exeter Borough, Pa., effective 11–14–52 to 11–13–53; 10 percent of the productive factory force.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

P & K, Inc., Momence, Ill., effective 11–17–52 to 5–3–53; four learners; brazers, 320 hours, 65 cents per hour for the first 160 hours and 70 percent per hour for the remaining 160 hours (supplemental certificate) (fishhooks, lures, stringers and flies).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 18th day of November 1952.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 52–12535; Filed, Nov. 25, 1952; 8:45 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority 8, Revision 1]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN FOOD AND RESTAURANT COMMODITIES

By virtue of the authority vested in me as Director of the Office of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131; 66 Stat. 296), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this Revision 1 to Delegation of Authority 8 is hereby issued.

Delegation of Authority 8 is revised to read as follows:

1. Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to take appropriate action under sections 15 (c), 23, 26, 26a, 27, 27a, 27b, 27c, 28, 28b, and 28c of CPR 14, sections 21a, 26, 26a, 27, and 30 (b) of CPR 15, and sections 22 (b), 24, 24a, and 26 (b) of CPR 16.

2. Redelegation of authority. The authority hereby delegated may be redelegated to the Directors of the District Offices of the Office of Price Stabilization.

This delegation of authority shall take effect on November 29, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 25, 1952.

[F. R. Doc. 52–12657; Filed, Nov. 25, 1952; 4:00 p. m.]

[Delegation of Authority 84]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT UNDER SECTION 5 OF SR 110 TO THE GCPR

By virtue of the authority vested in me as Director of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 805; 65 Stat. 131, 66 Stat. 296), Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this delegation of authority is hereby issued.

1. *Authority to act under section 5 of SR 110 to the GCPR.* Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to act on filings of reports required under section 5 of SR 110 to the GCPR.

2. *Redelegation of authority.* The authority hereby delegated may be redelegated to the District Offices of the Office of Price Stabilization.

This delegation of authority shall take effect on November 29, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 25, 1952.

[F. R. Doc. 52–12661; Filed, Nov. 25, 1952; 4:01 p. m.]

[Delegation of Authority 85]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT UNDER SECTION 14 OF SR 87 TO THE GCPR

By virtue of the authority vested in me as Director of the Office of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 805; 65 Stat. 131, 66 Stat. 296), Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this delegation of authority is hereby issued.

1. *Authority to act under section 14 of SR 87 to the GCPR.* Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to process, in the respects indicated herein, applications for percentage markups filed under section 14 of SR 87 to the GCPR:

(a) To approve, disapprove, or revise downward proposed percentage markups.

(b) To request additional information with respect to proposed percentage markups.

2. *Redelegation of authority.* The authority hereby delegated may be redelegated to the Directors of the District Offices of the Office of Price Stabilization.

This delegation of authority shall take effect on November 29, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 25, 1952.

[F. R. Doc. 52-12658; Filed, Nov. 25, 1952; 4:00 p. m.]

[Ceiling Price Regulation 7, Section 43, Revocation of Special Order 585, as Amended]

ARNOLD, SCHWINN & CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 585, as amended, issued under section 43 of Ceiling Price Regulation 7, establishes uniform ceiling prices for sales at retail of bicycles and accessories manufactured by Arnold, Schwinn & Company, 1718 N. Kildare Avenue, Chicago 39, Illinois, having the brand name "Schwinn."

On November 6, 1952, Arnold, Schwinn & Company requested a revocation of Special Order 585, as amended. In the opinion of the Director of Price Stabilization no reason appears for the denial of the request. Accordingly, the accompanying action revokes the Special Order and requires the holder to send a copy of the revocation to each of its resellers.

Revocation. 1. For the reason set forth in the Statement of Considerations, and in keeping with the provisions of Section 43 of Ceiling Price Regulation 7, Special Order 585, as amended, issued to Arnold, Schwinn & Company is hereby revoked.

2. Within 15 days after the effective date of this revocation, Arnold, Schwinn & Company must send a copy of the revocation to all purchasers for resale of "Schwinn" branded bicycles and accessories to whom it has given notice of Special Order 585, as amended. Twenty days after the effective date of this revocation each such purchaser for resale, before selling any "Schwinn" branded bicycle or accessory, must (a) remove all tags, which were affixed to any "Schwinn" branded bicycle or accessory in accordance with Special Order 585, as amended; and (b) determine ceiling prices for "Schwinn" branded bicycles and accessories under Ceiling Price Regulation 7, General Ceiling Price Regulation or whatever other ceiling price regulation is applicable to him.

Effective date. This order shall become effective November 19, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 19, 1952.

[F. R. Doc. 52-12471; Filed, Nov. 19, 1952; 10:43 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 6584, 6585, 10336]

ALBUQUERQUE BROADCASTING CO. (KOB)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re applications of Albuquerque Broadcasting Company (KOB), Albuquerque, New Mexico, Docket No. 6584, File No. B5-MP-1738; for modification of construction permit; Albuquerque Broadcasting Company (KOB), Albuquerque, New Mexico, Docket No. 6585, File Nos. B5-L-1799, B5-Z-1583; for license to cover construction permit as modified and authority to determine operating power by direct measurement; Albuquerque Broadcasting Company (KOB), Albuquerque, New Mexico, Docket No. 10336, File No. BSSA-275; for extension of special service authorization.

1. The Commission has before it a petition filed October 21, 1952, pursuant to sections 309 (c) and 405 of the Communications Act of 1934, as amended, by American Broadcasting Company, Inc., licensee of Station WJZ, New York, New York, directed against the Commission's actions of September 30, 1952, removing from the pending file for prompt consideration and action, the above-entitled applications of Albuquerque Broadcasting Company (KOB) for construction permit and license for regular operation on 770 kc and granting the above-entitled application of KOB for Special Service Authorization for a period of six months or until thirty days after the issuance of a final decision on the above-entitled applications for regular operation on 770 kc, whichever is sooner. The petition requests the following: (1) that the 6 months' extension of the SSA on 770 kc be set aside; (2) that KOB be ordered forthwith to return to its licensed frequency of 1030 kc (with such extension for 48 hours on 770 kc as may be needed to adjust KOB's transmitter); (3) that the 770 kc record compiled in 1945 be dismissed or returned to the pending file to await a decision in the Clear Channel proceeding; and (4) that KOB and WBZ be ordered to show cause why they should not afford each other substantial protection on 1030 kc in accordance with suggestions previously outlined by WJZ.

2. The long history of the KOB license status and application has been detailed in previous Memorandum Opinions in the above-entitled proceedings and need not be repeated here. Petitioner, in support of the instant petition, alleges that the operation of KOB under its special service authorization results in objectionable interference to Station WJZ; that the result of the Commission's actions will be to continue the operation of KOB on 770 kc for an extended period of time; that the record made in the hearing on the above-entitled applications of KOB for regular operation on 770 kc is now outdated "through lapse of time, intervening court decisions, and change of circumstances" and could not support a decision favorable to KOB; and that the Commission's actions of September 30, 1952, are inconsistent with the decision of the United States Court of Appeals for the District of Columbia Circuit in American Broadcasting Company, Inc., v. Federal Communications Commission, 191 F. 2d 492. The petition also includes specific factual allegations in support of the foregoing which need not be detailed here.

3. Section 309 (c) of the Communications Act of 1934, as amended, provides in part as follows:

> When any instrument of authorization is granted by the Commission without a hearing as provided in subsection (a) hereof, such grant shall remain subject to protest as hereinafter provided for a period of thirty days. During such thirty-day period any party in interest may file a protest under oath directed to such grant and request a hearing on said application so granted. Any protest so filed shall contain such allegations of fact as will show the protestant to be a party in interest and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. The Commission shall, within fifteen days from the date of the filing of such protest, enter findings as to whether such protest meets the foregoing requirements and if it so finds the application involved shall be set for hearing upon the issues set forth in said protest, together with such further specific issues, if any, as may be prescribed by the Commission. * * *

Upon consideration of the instant petition we find that it meets the specified requirements. We are, therefore, designating the above-entitled application for extension of Special Service Authorization for hearing. We note that petitioner has not set forth any issues upon which it wishes the application to be heard. We hereinafter specify those issues which we consider necessary and appropriate.

4. Section 309 (c) further provides:

> * * * The hearing and determination of cases arising under this subsection shall be expedited by the Commission and pending hearing and decision the effective date of the Commission's action to which protest is made shall be postponed to the effective date of the Commission's decision after hearing, unless the authorization involved is necessary to the maintenance or conduct of an existing service, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing.

The Special Service Authorization held by KOB is necessary to the maintenance of a service which that station has been providing its listeners since October of 1941. An alternative operation appears open to KOB under its license for 1030 kc. The service which KOB could provide under that license, however, would differ substantially in coverage from that which it provides on 770 kc. We find that KOB's Special Service Authorization is necessary to the maintenance and conduct of an existing service and we are authorizing KOB to continue its operation on 770 kc pending a decision

after hearing on its application for extension.

5. In so far as the instant petition is directed against our memorandum opinion and order of September 30, 1952, we are unable to see how petitioner is aggrieved by a mere announcement of our intention to adopt a proposed decision on the applications of KOB for regular operation on 770 kc. When and if a decision is released proposing action which is contrary to petitioner's interests, petitioner will have opportunity by way of exceptions and oral argument to present whatever objections it may have. For this reason and for the further reasons previously stated in our memorandum opinion and order of September 30, 1952, we are of the opinion that the instant petition should, except to the extent set forth above, be denied.

Accordingly: *It is ordered,* This third day of November 1952, that the above-entitled application of Albuquerque Broadcasting Company for extension of Special Service Authorization (BSSA-275) is designated for hearing commencing at 10:00 a. m., December 10, 1952, at Washington, D. C., upon the following issues:

(1) To determine the areas and populations which may be expected to receive service from the operation of Station KOB as proposed on 770 kc, with a power of 25 kw nighttime, 50 kw daytime and the availability of other primary and secondary service to such areas and populations.

(2) To determine the areas and populations which may be expected to receive service from the operation of Station KOB in accordance with the term of its license on 1030 kc and the availability of other primary and secondary service to such areas and populations.

(3) To determine the nature of and the extent to which the operation of Station KOB as proposed would involve objectionable interference with Station WJZ, New York, New York, the areas and populations affected thereby, and the availability of other primary and secondary service to such areas and populations.

(4) To determine the nature of and the extent to which the operation of Station KOB in accordance with the terms of its license on 1030 kc would involve objectionable interference with Station WBZ, Boston, Massachusetts, the areas and populations affected thereby, and the availability of other primary and secondary service to such areas and populations.

(5) To determine whether pending a final decision on the above-entitled applications of Albuquerque Broadcasting Company for regular operations on 770 kc (Dockets Nos. 6584 and 6585), the public interest would be better served by continued operation of KOB as proposed on 770 kc or by directing KOB to return to its licensed facilities of 1030 kc.

It is further ordered, That American Broadcasting Company, Inc., licensee of Station WJZ, New York, New York, is made a party to the above hearing;

It is further ordered, That Westinghouse Radio Stations, Inc., licensee of Station WBZ, Boston Massachusetts, is made a party to the above hearing;

It is further ordered, That the Hearing Examiner to be assigned to this proceeding shall conduct the hearing and issue his initial decision as expeditiously as possible;

It is further ordered, That pending a final decision in this proceeding Albuquerque Broadcasting Company is authorized to operate Station KOB with the facilities specified in the Special Service Authorization heretofore issued pursuant to the Commission's order of September 30, 1952;

It is further ordered, That the said petition filed October 21, 1952, by American Broadcasting Company, Inc. is in all other respects denied.

Released: November 6, 1952.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12574; Filed, Nov. 25, 1952; 8:47 a. m.]

[Docket Nos. 9136, 10243, 10316]

PIONEER BROADCASTERS, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of Pioneer Broadcasters, Inc., Portland, Oregon, Docket No. 9136, File No. BPCT-431; KXL Broadcasters, Portland, Oregon, Docket No. 10243, File No. BPCT-954; Mount Hood Radio and Television Broadcasting Corporation, Portland, Oregon, Docket No. 10316, File No. BPCT-1029; for construction permits for new Television Stations.

The Commission having before it the request of Mount Hood Radio and Television Broadcasting Corporation made during the oral argument heard on its petition for leave to amend its application, that the hearing in the above-entitled proceeding presently scheduled for November 19, 1952, be continued in order that it may obtain a review by the Commission of the denial by the Hearing Examiner on this date of such petition for leave to amend; and

It appearing, that all other counsel have agreed to such continuance;

It is ordered, This 17th day of November, 1952, that the hearing in this proceeding is continued until December 1, 1952, at 10 o'clock a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12580; Filed, Nov. 25, 1952; 8:48 a. m.]

[Docket Nos. 9895, 10234, 10235]

JOHN C. POMEROY ET AL.

ORDER CONTINUING HEARING

In re applications of John C. Pomeroy, Pontiac, Michigan, Docket No. 9895, File No. BP-7811; William R. Reed, Pontiac, Michigan, Docket No. 10234, File No. BP-8510; for construction permits and Southern Michigan Broadcasters (WSTR), Sturgis, Michigan, Docket No. 10235, File No. BML-1489; for modification of license.

Because of the pending petition of John C. Pomeroy to dismiss his application and of the statement by counsel for William R. Reed at the Prehearing Conference held today that a petition would forthwith be filed to dismiss the application of the said William R. Reed, and of the statement of counsel for Southern Michigan Broadcasters (WSTR) that a petition would forthwith be filed to amend its application having the effect of removing it from the hearing, it was agreed by all parties at the Prehearing Conference that the hearing in this case might be continued until 10:00 a. m., Friday, November 28, 1952:

It is ordered, This 13th day of November 1952, that the hearing herein is continued to 10:00 a. m., Friday, November 28, 1952, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12559; Filed, Nov. 25, 1952; 8:46 a. m.]

[Docket Nos. 9895, 10234, 10346, 10235]

JOHN C. POMEROY ET AL.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re applications of John C. Pomeroy, Pontiac, Michigan, Docket No. 9895, File No. BP-7811; William R. Reed, Pontiac, Michigan, Docket No. 10234, File No. BP-8510; James Gerity, Jr., Pontiac, Michigan, Docket No. 10346, File No. BP-8651; for construction permits and Southern Michigan Broadcasters (WSTR), Sturgis, Michigan, Docket No. 10235, File No. BML-1489; for modification of license.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of November 1952;

The Commission having under consideration the above-entitled application of James Gerity, Jr., for a construction permit for a new standard broadcast station at Pontiac, Michigan, to operate on 1460 kc, with a power of 500 watts, unlimited time;

It appearing, that said application is mutually exclusive with the above-entitled applications of John C. Pomeroy and William R. Reed, each requesting the use of 1460 kc, 500 w, daytime, and that the proposed operation will cause interference to and receive interference from WCLC, Flint, Michigan, will receive nighttime interference from WBNS, Columbus, Ohio, will receive interference from the proposed operation of Station WSTR (BML-1489), will not provide satisfactory coverage of the Detroit metropolitan area, and will involve excessive blanket area populations; and

It further appearing, that in letters to the Commission dated October 30, 1952, counsel for the applicant recognized the

[1] Commissioner Webster's dissenting opinion filed as part of original document.

pendency of the conflicting Pomeroy and Reed applications, admitted deficiencies of the proposed operation described in the above paragraph, waived rights of notice under section 309 (b) of the Communications Act, as amended, to be apprised of deficiencies of the application in advance of it being set for hearing, and requested that the Gerity application be designated for hearing in consolidation with the other above-captioned applications;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled application of James Gerity, Jr., is designated for hearing in the same consolidated proceeding with the other above-captioned applications scheduled to commence at 10:00 a. m., on November 17, 1952, in Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant to operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the availability of other primary service to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Station WCLC, Flint, Michigan, and any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service and the type and character of the program service provided by such other primary services, if any, to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in the pending application of Station WSTR (Docket No. 10235; File No. BML–1489) and whether it is mutually exclusive with the applications of William R. Reed (Docket No. 10234; File No. BP–8510) and John C. Pomeroy (Docket No. 9895; File No. BP–7811) or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine whether the installation and operating of the proposed station would be in compliance with the Commission Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to coverage of the Detroit metropolitan area, to the percentage of population residing between the normally protected and actual service contours, and the population residing within the blanket contours.

7. To determine on a comparative basis whether the applications of James Gerity, Jr., William R. Reed, or John C. Pomeroy, if any, should be granted.

It is further ordered, That Adelaide Lillian Carrell, licensee of Station WCLC, Flint, Michigan, is made a party to this proceeding with respect to the application of James Gerity, Jr., only.

Released: November 14, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–12579; Filed, Nov. 25, 1952; 8:48 a. m.]

[Docket Nos. 10278, 10279]

KENDRICK BROADCASTING CO. INC., AND ROSSMOYNE CORP.

ORDER AMENDING ISSUES

In re applications of Kendrick Broadcasting Company, Inc., Harrisburg, Pennsylvania, Docket No. 10278, File No. BPCT–937; Rossmoyne, Corporation, Harrisburg, Pennsylvania, Docket No. 10279, File No. BPCT–966; for construction permits for television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of November 1952;

The Commission having under consideration a petition filed October 13, 1952, by the Chief of the Broadcast Bureau to enlarge the issues in the above-entitled proceeding, and a Reply thereto filed October 27, 1952, by the Rossmoyne Corporation; and

It appearing, that the Chief of the Broadcast Bureau alleges that the tower proposed in the above-entitled application of the Rossmoyne Corporation would be located in the vicinity of the towers of existing standard broadcast Station WHP, Harrisburg, Pennsylvania; that the proximity of the proposed television tower might impair the ability of the standard broadcast station to operate in accordance with the terms of its license; that the impairment (a) may result in changes in the radiation characteristics of the antenna system used by Station WHP to the extent that interference to other stations is caused, or (b) may result in changes in the standard broadcast radiation patterns in a manner that will adversely affect AM service in the Harrisburg area; that no consideration is given to these problems in the application of the Rossmoyne Corporation; and that in view of the aforesaid the Commission should enlarge the issues in the above-entitled proceeding so as to require a determination as to whether the construction of the tower proposed by the Rossmoyne Corporation will adversely affect the operations of Station WHP; and

It further appearing, that the Chief of the Broadcast Bureau believes that, in the interest of obtaining full testimony on the matters discussed herein, the licensee of Station WHP should be made a party respondent in the above-entitled proceeding; and

It further appearing, that the Rossmoyne Corporation filed a Reply to the subject petition on October 27, 1952, indicating that it has no objection to a grant of the subject petition; and

It further appearing, that the Commission, by its memorandum opinion and order of October 16, 1952 (FCC 52–1326), In re Applications of Westinghouse Radio Stations, Inc., et al, Portland, Oregon (Docket No. 9138, etc.), granted similar petitions by the Chief of the Broadcast Bureau;

It is ordered, That the above-described petition of the Chief of the Broadcast Bureau is granted; and

It is further ordered, That the licensee of Station WHP is made a party respondent in the above-entitled proceeding; and

It is further ordered, That the Commission's order of July 11, 1952, designating the above-entitled applications for hearing is amended so that Issue No. 5 is renumbered as Issue No. 6 and a new Issue No. 5 is added as follows:

5. To determine whether the construction of the tower proposed in the above-entitled application of Rossmoyne Corporation will adversely affect the ability of standard broadcast Station WHP, Harrisburg, Pennsylvania, to operate in accordance with the terms of its license and the construction permit pursuant to which its license was issued particularly with respect to the operation of its radiating system and whether corrective measures for such effects are possible and feasible.

Released: November 6, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–12577; Filed, Nov. 25, 1952; 8:48 a. m.]

[Docket Nos. 10284, 10285]

LUFKIN AMUSEMENT CO. AND PORT ARTHUR COLLEGE

ORDER AMENDING ISSUES

In re applications of Lufkin Amusement Company, Beaumont, Texas, Docket No. 10284, File No. BPCT–545; Port Arthur College, Port Arthur, Texas, Docket No. 10285, File No. BPCT–839; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of November 1952;

The Commission having under consideration a petition filed October 24, 1952, by Port Arthur College to enlarge the issues in the above-entitled proceeding; and

It appearing, that petitioner requests the adoption of an additional issue requiring a comparison of the applications herein under section 307 (b) of the Communications Act of 1934, as amended; that the applicants herein seek authority to establish television facilities in different communities which are "hyphenated" for the purposes of the Commission's table of assignments; and that it is therefore appropriate that the Com-

mission consider the above-entitled applications in the light of section 307 (b) of the Communications Act;

It is ordered, That the above-described petition of Port Arthur College is granted; and

It is further ordered, That the Commission's order of July 11, 1952, designating the above-entitled applications for hearing is amended so that Issue No. 5 therein is renumbered as Issue No. 6, and a new Issue No. 5 is added as follows:

5. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of these applicants would provide the more fair, efficient, and equitable distribution of television service.

Released: November 6, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12578; Filed, Nov. 25, 1952; 8:48 a. m.]

[Docket No. 10312]

RAYMOND WILBUR CLIFFORD, JR.

ORDER CONTINUING HEARING

In the matter of Raymond Wilbur Clifford, Jr., 2500 Liberty Parkway, Baltimore 22, Maryland, Docket No. 10312; order to show cause why amateur radio station licenses should not be revoked.

The Commission having under consideration a motion filed November 5, 1952, by the Acting Chief, Safety and Special Radio Services Bureau, Federal Communications Commission, requesting a continuance of the hearing in the above-entitled matter presently scheduled for November 14, 1952, at Washington, D. C.; and

It appearing, that good cause has been shown in support of such motion and that Raymond Wilbur Clifford, Jr., the only party to the proceeding has consented to the waiver of § 1.745 of the Commission's rules and agreed to an immediate consideration and grant of the motion.

It is ordered, This 7th day of November 1952, that the motion be, and it is hereby, granted and that the hearing in the above-entitled matter be, and it is hereby, continued to January 5, 1953, at 10:00 a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12558; Filed, Nov. 25, 1952; 8:46 a. m.]

[Docket No. 10337]

WGNS, INC.

ORDER SCHEDULING HEARING

In the matter of cease and desist order to be directed against WGNS, Inc.; Docket No. 10337.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 5th day November 1952;

The Commission having under consideration, the issuance of an order directed to WGNS, Inc., licensee of radio station WGNS, Murfreesboro, Tennessee, to cease and desist from violating section 318 of the Communications Act of 1934, as amended, by permitting radio broadcast station WGNS to be operated by an unlicensed operator, to cease and desist from violating § 3.165 of the Commission's rules, by permitting radio broadcast station WGNS to be operated by an operator not of the grade required by the Commission, unless the station has been granted a waiver of the requirement pursuant to § 1.334 of the rules and to cease and desist from violating § 3.181 of the rules by failing to keep the required operating and program logs;

It appearing, that Cecil Elrod, Jr., President and General Manager of station WGNS, was issued a restricted operator's permit, RP6-29-806, on November 6, 1951, and that such a permit does not authorize the holder to operate a standard broadcast station unless a special authorization is granted the station by the Commission to use operators of lesser grade than first class; and

It further appearing, that a special temporary authorization permiting station WGNS to use operators of lesser grade than first class, which had been previously issued, expired on February 28, 1952, and was not renewed or sought to be renewed; and

It further appearing, that Cecil Elrod, Jr., knowing that station WGNS had no valid outstanding authorization to operate with other than first class operators, operated station WGNS at various times between April 1, 1952 and May 9, 1952, and that during such periods no other person holding a first class operator's license was on duty at the station as required by §§ 3.165 and 13.61 of the Commission's rules, which operation constituted a violation of §§ 3.165 and 13.61 of the Commission's rules; and

It further appearing, that Garth Fort Freeze does not hold any operator's license or permit issued by the Commission authorizing him to operate a radio station; and

It further appearing, that Garth Fort Freeze, with knowledge of the management of station WGNS, operated radio station WGNS on May 9, 1952, without holding any operator's license, which constituted a violation of section 318 of the Communications Act of 1934, as amended; and

It further appearing, that § 3.181 of the Commission's rules requires that operating and program logs be maintained by standard broadcast stations; and

It further appearing, that on May 9, 1952, station WGNS was, with knowledge of its management, operated without the required operating and program logs being kept, thus violating § 3.181 of the Commission's rules; and

It further appearing, that these actions on the part of the licensee of station WGNS were willful;

It is ordered, That, pursuant to section 312 (c) of the Communications Act of 1934, as amended, WGNS, Inc. be and is hereby directed to show cause why an order commanding it to cease and desist from violating section 318 of the Communications Act of 1934, as amended, by permitting station WGNS to be operated by a person not holding an operator's permit issued by the Commission, from violating § 3.165 of the Commission's rules by permitting station WGNS to be operated by an operator of lesser grade than required by the Commission's rules unless WGNS, Inc. holds a special authorization permitting it to use operators of lesser grade, and from violating § 3.181 of the Commission's rules by failing to keep the required operating and program logs; and

It is further ordered, That a hearing in this matter will be held in Washington, D. C., on January 12, 1953, in order to determine whether said cease and desist order should be issued, and that WGNS, Inc., is herewith called upon to appear at this hearing and give evidence upon the matter specified herein; and

It is further ordered, That said WGNS, Inc. is directed on or before December 15, 1952, to inform the Commission in writing whether it will appear at the hearing specified above, or whether it waives its right to a hearing, in which event the above cease and desist order will be forthwith issued. Failure to respond by December 15, 1952, or failure to appear at the hearing will be deemed to be a waiver of the right to a hearing.

Released: November 12, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12575; Filed, Nov. 25, 1952; 8:48 a. m.]

[Docket No. 10347]

ANTHONY J. MONY

ORDER DESIGNATING MATTER FOR HEARING

In the matter of Anthony J. Mony, Office of the Air Attaché, APO 794, c/o Postmaster, New York, New York; Docket No. 10347.

The Commission having under consideration the application of Anthony J. Mony for a hearing in the above-entitled matter;

It appearing, that the said Anthony J. Mony, acting in accordance with the provisions of section 303 (m) (2) of the Communications Act of 1934, as amended, filed with the Commission within the time provided therefor, an application requesting a hearing on the Commission's order of October 3, 1952, suspending his amateur radio operator license for a period of thirty (30) days; and

It further appearing, that under the provisions of section 303 (m) (2) of the Communications Act of 1934, as amended, the said licensee is entitled to a hearing in the matter, and that upon the filing of timely written application therefor, the Commission's suspension order is held in abeyance until the con-

clusion of proceedings in the said hearing:

It is ordered, This 14th day of November 1952, that the matter of the suspension of the amateur radio operator license of Anthony J. Mony is hereby designated for hearing before a Commission Examiner at 10:00 a. m., on January 26, 1953, at the offices of the Federal Communications Commission in Washington, D. C., upon the following issues:

1. To determine whether the licensee committed the violations of the Commission's rules set forth in the Commission's order of suspension.

2. If the licensee committed such violations, to determine whether the facts or circumstances in connection therewith would warrant any change in the terms of the Commission's order of suspension.

It is further ordered, That a copy of this order be transmitted by Registered Mail—Return Receipt Requested to Anthony J. Mony, Office of the Air Attaché, APO 794, c/o Postmaster, New York, New York.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12581; Filed, Nov. 25, 1952; 8:48 a. m.]

[Change List No. 10]

CUBAN BROADCAST STATIONS

NOTIFICATION OF NEW STATIONS, LIST OF CHANGES, MODIFICATIONS AND DELETIONS OF EXISTING STATIONS

OCTOBER 28, 1952.

Notification of new Cuban radio stations, and of changes, modification and deletions of existing stations, in accordance with Part III, section F, of the North American Regional Broadcasting Agreement, Washington, D. C. 1950.

REPUBLIC OF CUBA

Call letters	Location	Power (kw)	Antenna	Schedule	Class	Proposed date of change or commencement of operation
CMDB	Santiago de Cuba, Oriente [1]	0.5N/1D	*680 kilocycles* ND	U	II	Mar. 14, 1953.
NEW	Bayamo, Oriente (vide 1260 kc/s)	0.25	*1190 kilocycles* ND	U	II	Delete.
NEW	Bayamo, Oriente (vide 1190 kc/s)	0.25	*1260 kilocycles* ND	U	II	Mar. 14, 1953.
CMHL	Sancti Spiritus, Las Villas [2]	0.25	*1450 kilocycles* ND	U	IV	Do.
CMHR	Sagua la Grande, Las Villas [3]	0.1N/0.25D	*1570 kilocycles* ND	U	II	Do.
CMJS	Ciego de Avila, Camaguey [4]	0.25	*1580 kilocycles* ND	D	II	Do.

[1] Synchronized with Filial CMBC, Camaguey.
[2] Assignment of call letters and change in location.
[3] This station will change to the frequency 1560 kilocycles upon entry into force of the North American Regional Broadcasting Agreement.
[4] Assignment of call letters and change in location and particulars.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12583; Filed, Nov. 25, 1952; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2949]

WISCONSIN PUBLIC SERVICE CORP.

ORDER GRANTING AUTHORITY TO ISSUE SHORT TERM BANK LOAN NOTES

NOVEMBER 20, 1952.

Wisconsin Public Service Corporation ("Wisconsin"), a public utility subsidiary of Standard Power and Light Corporation and Standard Gas and Electric Company, both registered holding companies, having filed a declaration, and an amendment thereto, pursuant to sections 6 (a) and 7 of the act with respect to the following proposed transactions:

Wisconsin presently has outstanding $6,500,000 of 3 percent five and one-half month bank loan notes maturing November 25, 1952. Wisconsin proposes, on or prior to November 25, 1952, to issue and sell $6,300,000 of new 3 percent bank loan notes ("new notes"), maturing June 1, 1953, to the same banks which hold the presently outstanding notes. Wisconsin will have the privilege of prepaying the new notes without premium.

The declaration states that the net proceeds to be derived from the sale of the new notes, together with treasury cash, will be used in payment of the presently outstanding notes, the proceeds of which were used for construction purposes. Wisconsin also states that it will undertake permanent financing, prior to the due date of the new notes, and use a portion of the proceeds of such permanent financing for the payment of the new notes.

It is represented that no State Commission or any other Federal Commission has jurisdiction over the proposed transactions.

Wisconsin estimates that the expenses in connection with the proposed transactions will not exceed $500 and it requests that the Commission's order herein become effective upon issuance.

Due notice having been given of the filing of the declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration, as amended, be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Act, that said declaration, as amended, be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-12537; Filed, Nov. 25, 1952; 8:45 a. m.]

[File No. 70-2951]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

ORDER GRANTING AUTHORITY TO ISSUE AND SELL SHORT-TERM NOTES

NOVEMBER 20, 1952.

Public Service Company of New Hampshire ("New Hampshire"), a public utility subsidiary of New England Public Service Company, a registered holding company, having filed an application, and an amendment thereto, pursuant to the first sentence of section 6 (b) of the Public Utility Holding Company Act of 1935 ("act"), with respect to the following transactions:

New Hampshire proposes to issue and renew, from time to time, up to and including June 30, 1953, notes having a maturity of three months or less up to the maximum amount of $6,250,000 at any time outstanding (including notes presently in the amount of $1,825,000). Each such note, including the renewal notes, will be made payable to the First National Bank of Boston and will bear interest at the rate of 3 percent per annum, subject to change in interest rates for prime paper. It is stated at the present time that the interest rate for prime paper is 3 percent per annum. In case the interest rate should exceed 3¼ percent on any note, the company will file an amendment to its application stating the interest rate and other details of the note or notes at least five days prior to the execution and delivery thereof, and asks that such amendment become effective without further order of the Commission at the end of the five day period unless the Commission shall have notified the company to the contrary within said period.

The proceeds from the sale of the notes will be used for construction and other purposes. The application states that the company's construction program, for the nine months ending June 30, 1953, calls for the expenditures of approximately $5,050,000. It is also stated that it is the present intention of the company to issue approximately $5,000,000 principal amount of First Mortgage Bonds in May or June 1953 and in the latter part of 1953 to issue a

sufficient number of share of common stock to raise approximately $4,000,000. However, it is stated that market conditions, among other things, may require some variation of the proposed financing.

It is represented that no State commission or any other Federal commission has jurisdiction over the proposed transactions, and that legal fees and expenses in connection with the application will amount to approximately $100. The applicant requests that the Commission's order herein become effective upon the issuance thereof.

Due notice having been given of the filing of the application, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the Act and Rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application, as amended, be granted, effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application, as amended, be, and it hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52–12536; Filed, Nov. 25, 1952; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–1739]

ST. CHARLES GAS CORP.

NOTICE OF ORDER REOPENING RECORD, AND AMENDING ORDER CONDITIONALLY ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NOVEMBER 20, 1952.

Notice is hereby given that on November 19, 1952, the Federal Power Commission issued its order entered November 18, 1952, reopening record and amending order (17 F. R. 8164) conditionally issuing certificate of public convenience and necessity in the above-entited matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–12538; Filed, Nov. 25, 1952; 8:45 a. m.]

[Docket No. G–1984]

TREASURY STATE PIPE LINE CO.

NOTICE OF FINDINGS AND ORDER

NOVEMBER 20, 1952.

Notice is hereby given that on November 19, 1952, the Federal Power Commission issued its order entered November 18, 1952, issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–12539; Filed, Nov. 25, 1952; 8:46 a. m.]

[Project No. 2066]

PIGEON RIVER LUMBER CO.

NOTICE OF ORDER DISMISSING INCOMPLETE APPLICATION FOR LICENSE (MAJOR)

NOVEMBER 20, 1952.

Notice is hereby given that on November 18, 1952, the Federal Power Commission issued its order entered November 18, 1952, dismissing incomplete application for license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–12540; Filed, Nov. 25, 1952; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27557]

PROPORTIONAL RATES ON GRAIN FROM KANSAS CITY, MO.-KANS., TO GALVESTON, HOUSTON, AND TEXAS CITY, TEX.

APPLICATION FOR RELIEF

NOVEMBER 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Missouri-Kansas-Texas Railroad Company, for itself and on behalf of the Chicago, Rock Island and Pacific Railroad Company and other carriers.

Commodities involved: Grain, grain products, and related articles, carloads.

From: Kansas City, Mo.-Kans.

To: Galveston, Houston, and Texas City, Tex., for export.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: M-K-T RR. tariff I. C. C. No. 1470, Supp. 47.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52–12568; Filed, Nov. 25, 1952; 8:47 a. m.]

[4th Sec. Application 27558]

SALT FROM TEXAS AND LOUISIANA, TO BELLBLUFF, VA., NEW CUMBERLAND, PA., AND SCHENECTADY, N. Y.

APPLICATION FOR RELIEF

NOVEMBER 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Salt, carloads.

From: Points in Texas and Louisiana.

To: Bellbluff, Va., New Cumberland, Pa., and Schenectady, N. Y.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3668, Supp. 52.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52–12569; Filed, Nov. 25, 1952; 8:47 a. m.]